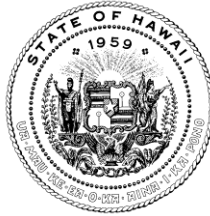


APPENDIX R

Comments Received on Revised Draft Environmental
Assessment (published September 8, 2022)

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 5, 2022

Mr. Jared Chang, AICP
SSFM International, Inc
501 Sumner Street, Suite 620.
Honolulu, HI 96817

SUBJECT: Comments on the 2nd Draft Environmental Assessment (DEA) for the West Kauai Energy Project Located at Waimea, Kauai
Tax Map Keys (TMKs): (4) 1-2-001: 003, 007; 1-2-002: 001, 016, 018, 019, 023, 999; 1-4-001: 002, 003, 013; 1-4-002: 008, 035, 036, 048, 066-068, 085

Dear Mr. Chang:

Thank you for the opportunity to review and comment on the subject 2nd Draft Environmental Assessment (DEA). The Land Division appreciates the revisions that have been incorporated into this version of the document and acknowledges that this version appears to have addressed most of the inadequacies of the first draft. Based on our review, we offer the following comments on the document:

1. Section 1.1.1.2, please clarify if the Waimea you are referring to is the district or ahupua'a.
2. Section 1.1.6.6 appears to use different font sizes.
3. Figure 1.10 still has a "*This page intentionally left blank*" water marking.
4. Section 2.7 mentions the National Environmental Policy Act (NEPA). Please clarify if a NEPA document will be required for the Project. If not, we suggest you remove the reference as not to confuse readers, more so as the nexus for Federal permits are not tied to the NEPA process.
5. Section 4.1.2.2 Waiakōali Diversion, under the Construction Activities subheading, states that the project proposed to "*raise the height by approximately two feet to prevent overtopping events.*" Given climate change and the possibility of increased storm events, how was the additional two feet in height determined?

6. Section 4.1.2.6 Pu‘u Lua Reservoir, under the Construction Activities subheading, states that “*the water storage capacity would be increased from the current storage level to approximately 200 MG...*” We note that under the Current Site Conditions and Use subheading, the current storage level was not defined though it was stated much earlier in Section 1.1.6.4. For ease of the reader, we would suggest restating the reservoir capacity.
7. Please clarify if there are staging areas associated with the Upper Penstock as discussed in Section 4.1.2.8.
8. Please review page 4-105, last paragraph for clarity purposes.
9. According to Section 4.1.2.9, DHHL Storage Tank, the existing DHHL storage tank is in a state of disrepair but will be left in place. We strongly suggest that if the tank could be considered a public health safety and welfare issue that it be removed.
10. In Section 4.1.2.12, Lower Penstock, under the Site Access and Construction Disturbance Areas subheading, please clarify if any clearing work is associated with the temporary staging areas.
11. Section 4.1.2.15, PV Solar Array, under the Construction Activities subheading, we ask that you clarify that there will be 28 lithium-ion battery containers/units.
12. Page 5-8, last paragraph, has a sentence that reads “*Some identified uses have been obtained, but at least one use is obtained.*” It is unclear what you are referring to.
13. Possible impacts to birds due to the installation of the new overhead interconnection line, as well as applicable mitigation measures should be included in Section 5.3.2. While we understand that it is part of KIUC’s existing transmissions circuit and being covered by KIUC’s Habitat Conservation Plan, the lines are also a part of this project and should be covered accordingly. In addition, as the line are part of KIUC’s larger, existing transmissions circuit, this issue should also be addressed in the Cumulative Impact Section.
14. Section 5.4.3 states that “*Measures to minimize potential impacts to stream related cultural resources associated with traditional cultural practices versus non-traditional practices of extraction and utilization as discussed in Section 5.3.3.*” We could not find anything in Section 5.3.3 regarding this. Please clarify or expand discussion to include proposed mitigation measures.
15. Regarding the responses to comments from the agencies and the public we find that the following may not have been adequately addressed:
 - Comment ID No. 4, Ms. Deborah Pence, comment 3 states that “*The intent of the agreement is that the WKEP Koke‘e diversions would supply irrigation to the Mana Plain so that diversions from the Kekaha ditch could be reduced...*” There

is no response from the Applicant either concurring or disputing this claim. This is an important point of clarification as the comment letter from the Agribusiness Development Corporation (ADC) states that the primary source of irrigation water for Mana Plain will come from Kekaha ditch.

- Regarding our comment letter, we are still unsure how Menehune Ditch ties into the Kōkeʻe and Kekaha Ditch systems, nor could we find it labeled on any of the figures. Please clarify how water from the project enters into the Menehune Ditch.
- The Hawaiʻi State Energy Office as well as the Office of Conservation and Coastal Lands both expressed concerns regarding the disposal and recycling plans for the solar panels, batteries, and other project components. Based on the information provided in the document, Staff does not believe this concern has been adequately addressed. Further, Staff notes that section 2.2 states that the solar array is expected to have a life span of approximately 30 years while the project itself is requesting a 65-year lease term. Based on those two timelines it is safe to assume that the solar array system will need to be replaced at least once during the requested lease period. Therefore disposal/recycling of the system should be thoroughly addressed.

16. Regarding the responses to DOFAW's comments, please note that under the Applicant's response to Section 3.3.2, references are made to "Section X" and "Appendix X". No such section or appendix exists. Please revise accordingly.

Should you have questions or concerns regarding our comments, please contact Lauren Yasaka at (808) 587-0431.

Sincerely,

Russell Tsuji

RUSSELL Y. TSUJI
Land Division Administrator

cc: KIUC



DEPARTMENT OF PLANNING
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

October 10, 2022

Department of Land and Natural Resources
Attention: Lauren Yasaka
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Email: lauren.e.yasaka@hawaii.gov

RE: Revised Draft Environmental Assessment Review for
The West Kaua'i Energy Project
Waimea, Kona, Kaua'i
TMKs: (4) 1-2-001:003, 007; 1-2-002:001, 016, 018, 019, 023, 999; 1-4-
001:002, 003, 013; 1-4-002:008, 035, 036, 048, 066, 067, 068, 085

Aloha Ms. Yasaka,

Mahalo for the opportunity to provide comments on the *revised* draft environmental assessment for the West Kaua'i Energy Project. Comments on the previous draft EA are attached to this letter for reference.

The Applicant maintains that any impacts to cultural resources, flora and fauna, water, and water resources, as well as scenic views and view plains will be minimal or short-term.

The County of Kaua'i Planning Department (Department) recognizes and appreciates the detailed descriptions of potential impacts and mitigative measures in this updated draft EA. The table summarizing impacts and mitigation, including potential impacts caused by natural hazards and Sea Level Rise (pages ES-5 to ES-12), provide a useful reference at the forefront of the assessment.

The draft EA also acknowledges required Use and Zoning permits administered by the Department for actions within the Agricultural and Open Zoning Districts pursuant to Kaua'i Comprehensive Zoning Ordinance (CZO) 1987, as amended.



Mahalo for the opportunity to comment on the West Kaua'i Energy Project. Should you have any questions, please do not hesitate to contact planners Dale Cua and Lea Kai'aokamālie at planningdepartment@kauai.gov.

Me ka ha'aha'a,



KĀĀINA S. HULL
Director of Planning



**DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I**

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

September 14, 2021

Department of Land and Natural Resources
Attention: Ian Hirokawa
1151 Punchbowl Street
Honolulu, Hawai'i 96813
Email: ian.c.hirokawa@hawaii.gov

RE: Draft Environmental Assessment Review for
The West Kaua'i Energy Project
Waimea, Kona, Kaua'i
TMKs: (4) 1-2-001:003, 007; 1-2-002:001, 016, 018, 019, 023, 999; 1-4-
001:002, 003, 013; 1-4-002:008, 035, 036, 048, 066, 067, 068, 085

Aloha Mr. Hirokawa,

Thank you for the opportunity to provide comments on the draft environmental assessment for the West Kaua'i Energy Project. The Planning Department offers the following comments:

A. Project Information

a. Tax Map Key:

The draft environmental assessment identifies the subject parcels as
TMK: (4) 1-2-001:003, 007; 1-2-002:001, 016, 018, 019, 023, 999 (road);
1-4-001:002, 003, 013; 1-4-002:008, 035, 036, 048, 066, 067, 068, 085.

b. Project Applicant:

Kaua'i Island Utility Cooperative (KIUC). Major landowners include federal, state (Department of Land and Natural Resources, Department of Hawaiian Homelands, Department of Agriculture/Agribusiness Development Corporation), and Robinson Family Partners.

c. Project Area:

The proposed project area extends north as far as Kawaikōi Stream (Alaka'i Swamp), northwest to Polihale State Park, and south to Waimea (above Waimea Town). However, the Applicant stated that infrastructure improvements or new construction will involve 622 acres (of approximately 31,000 acres of the subject parcels).



d. Project Summary:

The project proposes the construction of a renewable energy and irrigation system. The proposed development would utilize the existing Koke'e Ditch Irrigation system and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs. The project includes rehabilitation of existing State irrigation infrastructure as well as construction of irrigation, solar and hydroelectric located near streams or existing ditches, reservoirs, or intake tunnels.

e. Zoning:

Most of the subject parcels are in the County Agricultural and Open Zoning District. The eastern/mauka portion close to and within Koke'e State Park is in the State Conservation District.

f. Permits and Approvals:

The proposed project includes the following actions across 622 acres within the subject parcels:

- i. Water diversions, particularly to the Koke'e Ditch Irrigation system;
- ii. Rehabilitation of existing State infrastructure, including irrigation systems, reservoirs, and access roads;
- iii. Construction of new facilities, including stream gages, lateral branches on existing ditch systems, pressurized pipeline, hydroelectric facilities and powerhouses, solar fields, and buried power lines; and
- iv. Project operations, including pump and storage facilities.

In addition, the proposed project seeks to support end users of water and energy generation, in particular farmers and [future] beneficiaries of the Department of Hawaiian Homelands Pu'u 'Ōpae Agricultural Homesteads project.

The Applicant has included a list of permits and approvals that may be required for the proposed action under Section 2.5 on pages 67-68. Among these listed are required Use and Zoning permits administered by the County of Kaua'i Planning Department for actions within the Agricultural and Open Zoning Districts pursuant to Kaua'i Comprehensive Zoning Ordinance (CZO) 1987, as amended.

g. Important Agricultural Lands (IAL)

During the Kaua'i IAL Study process (2009-2015) scores were generated for every agricultural parcel on Kaua'i on a scale of "0" (does not meet any IAL criteria) to "40" (meets all IAL criteria). Maps were created based on this scoring methodology. The threshold scores define attributes of all agricultural lands on Kaua'i according to how well they meet the criteria of HRS Chapter 205 A Important Agricultural Lands. Lands with a threshold score of 28 or above meet all eight of the criteria at some level.

A small percentage of the subject parcels (less than 10%) scored at "28 or above." However, it is not anticipated that the proposed project will negatively impact agricultural use of these lands. Rather, upgrades to irrigation infrastructure are anticipated to improve and expand agricultural use throughout the region.

B. Kaua'i General Plan

- a. The Kaua'i General Plan supports renewable energy production as significant to reducing the island's greenhouse gas emissions and to help mitigate climate change. It specifically supports KIUC's goal to increase energy from renewable sources from 40% in 2016 to 70% by 2030 "through a mix of new biomass, solar, and hydroelectric projects" (2020 Kaua'i General Plan, page 184).
- b. Sector VIII. Energy Sustainability & Climate Change Mitigation, sets forth the following objectives and actions that are relevant to this project:

Objective 1: Conserving energy and becoming sustainable.

Permitting Actions:

- 1) Promote increased conservation and renewable energy production.
- 2) Streamline and expedite planning and permitting processes involving renewable energy facilities.

Partnership Needs:

- 1) Support the [KIUC] and private initiatives for solar, biomass, hydro, and other clean energy production types.
- 2) Identify sites where new renewable energy facilities might be co-located with other land uses.

Objective 2: To expand strategies and mechanisms to reduce greenhouse gas emissions on Kaua'i.

Permitting Actions:

- 1) Reduce the carbon footprint of both new and existing buildings and infrastructure by maximizing energy efficiency and minimizing the use of fossil fuel resources on the grid.
 - 2) Support continued reductions in emissions from local energy production.
- c. It should be noted that the General Plan included population projections as a baseline to direct future growth. KIUC should take into consideration the most updated population projections and growth rate for Kaua'i.

C. Cultural and Historic Resources

a. Registered Sites and Heritage Resources

Section 5.1 of the Draft EA discusses the *Findings and Conclusions* of significant impacts. Subsection 1 addresses *Irrevocably commit a natural, cultural resource, or historic resource* by stating that "The Proposed Action was designed, and the project footprint was determined to avoid impacts to natural and cultural resources to the extent practicable." But the DEA does not specify mitigation strategies or how "extent practicable" will be determined.

The following is a list of registered cultural and historic resources identified on the subject parcels, many of which are heiau used for religious purposes that are still frequented by traditional and cultural practitioners. The Department expects the Applicant to comply with all standards, procedures, and conditions required to protect and preserve cultural sites and access to these by their stewards. Consultation with connected 'ohana and traditional practitioners of the area should be conducted, as is required as part of the Section 106 review process.

	STATE SITE #	SITE NAME	FUNCTION	TMK
1	50-30-01-00004	Kapa'ula Heiau	Religion	412002001
2	50-30-01-00005	House sites	Habitation	412002001
3	50-30-01-00006	Kapa'ula Heiau	Religion	412002001
4	50-30-01-01817	Polihale State Park Lithic Scatter	Tool Mfg.	412002001
5	50-30-01-01819	Cultural Scatter	Habitation	412002001
6	50-30-05-00010	Kahelu Heiau	Heiau	412002001
7	50-30-05-00012	Ho'one'enu'u Heiau	Religion	412002001
8	50-30-05-00013	Kaunalewa Ridge Caves (various)	Burial	412002001

9	50-30-05-00018	Heiau	Religion	412002023
10	50-30-05-00014	Heiau (various)	Religion	412002001
11	50-30-05-00016	Hau'ola Heiau	Heiau	412002023
12	50-30-05-00015	House sites	Ag	412002023
13	50-30-05-00017	Burial caves	Burial	412002001
14	50-30-05-00011	Makahoe Heiau and Village site	Religion	412002023
15	50-30-05-03650	Limaloa Burials	Burial	412002001
16	50-30-05-00800	Waiaka Burial	Burial?	412002001
17	50-30-05-00801	Waiaka Rockshelters	Habitation	412002001

b. Environmental and Ecological Resources

Subsection 9 on page addresses: *Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat, to which the Applicant provides: "There were no special-status plant species found during ground surveys of the study area even though some facilities are located within critical habitat designated for those flora species," and that, "Four special-status fauna species—'i'iwi, Hawaiian duck, Hawaiian goose, and Hawaiian moorhen—were detected during the field surveys. Additionally, there is suitable habitat for the Hawaiian hoary bat."*

The DEA maintains that the project could have short-term impacts to "special status species," which would be "minimized or negated through the implementation of minimization and mitigation measures" which are discussed in Section 3.3.3. The DEA also affirms that the operation of the proposed PV Solar Array would have minimal impact to forest birds due to the location of the facility in agricultural lands" as the "proposed PV Solar Array location is identified as emergent wetlands and is adjacent to fallow agricultural fields prone to flooding. Waterbirds are generally attracted to areas with standing water and have been seen in fields near the project area." Moreover, the DLNR DOFAW managed Kawai'ele Waterbird Refuge is near the proposed PV Solar Array location.

The Department expects the Applicant to comply with all standards, procedures, and conditions required to protect and preserve rare and endangered native flora and fauna. Continued consultation with DLNR DOFAW and environmental specialist at the Pacific Missile Range Facility through the project development process is highly encouraged.

The following rare and endangered species have been reported within the subject parcels (source: University of Hawai'i Biodiversity Program, Rare Species Inventory).

	SCIENTIFIC NAME	COMMON NAME	TYPE
1	<i>Anas wyvilliana</i> <i>Gallinula chloropus</i>	Hawaiian Duck, Koloa	Animal-Vertebrate
2	<i>sandvicensis</i> <i>Himantopus mexicanus</i>	Hawaiian Gallinule, `Alae-`ula	Animal-Vertebrate
3	<i>knudseni</i>	Hawaiian Stilt, Ae`o	Animal-Vertebrate
5	<i>Lasiurus cinereus semotus</i>	Hawaiian Hoary Bat, Ope`ape`a	Animal-Vertebrate
10	<i>Branta sandvicensis</i>	Nene, Hawaiian Goose	Animal-Vertebrate
12	<i>Sesbania tomentosa</i>	`Ohai	Plant
15	<i>Fulica alai</i>	`Alae Ke`oke`o, Hawaiian Coot	Animal-Vertebrate
9	<i>Cyperus trachysanthos</i>	Pu`uka`a, Sticky Flatsedge	Plant,
11	<i>Caesalpinia kavaensis</i>	'Uhi'uhi	Plant
13	<i>Kokia kauaiensis</i>	Kaua'i Koki'o	Plant

The Applicant asserts that any impacts to cultural resources, flora and fauna, water, and water resources, as as well as scenic views and view plains would be minimal or short-term.

Mahalo for the opportunity to comment on the West Kaua'i Energy Project. Should you have any questions, please do not hesitate to contact planners Dale Cua and Lea Kai'aokamālie at planningdepartment@kauai.gov.

Me ka ha'aha'a,



KĀĀINA S. HULL
 Director of Planning

From: [Cab General](#)
To: [Yasaka, Lauren E](#); [Jared Chang](#)
Subject: DOH Clean Air Branch Comments on West Kaua'i Energy Project--2nd Draft EA (AFNSI)
Date: Tuesday, September 13, 2022 8:25:22 AM

Email received from **EXTERNAL** sender. Confirm the content is safe prior to opening attachments or links.

Aloha,

Thank you for the opportunity to review the subject project.

Please see our standard comments at:

<https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022-1.pdf>

Please let me know if you have any questions.

Barry Ching
Clean Air Branch
Hawaii Department of Health
(808) 586-4200

Standard Comments for Land Use Reviews
Clean Air Branch
Hawaii State Department of Health

If your proposed project:

Requires an Air Pollution Control Permit

- You must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.
- Permit application forms can be found here: <https://health.hawaii.gov/cab/permit-application-forms/>

Includes construction, demolition, or renovation activities that involve potential asbestos and lead containing materials:

- Asbestos may be present in any existing structure. Prior to demolition, you must contact the Indoor and Radiological Health Branch, Asbestos-Lead Section. Testing may be required to determine if building materials may contain asbestos, such as: drywall, vinyl floor tile, mastic, caulking, roofing materials, insulation, special coatings, etc.
- Structures built prior to 1980 may also contain lead paint. Prior to demolition, contact the Indoor and Radiological Health Branch, Asbestos-Lead Section. Testing may need to be conducted to determine if building materials contain lead.
- Some construction activities have the potential to create excessive noise and may require noise permits. For DOH Noise Permits and/or Variances and for more information on the Indoor and Radiological Health Branch, please visit: <https://health.hawaii.gov/irhb/>

Includes demolition of structures or land clearing

- Department of Health, Administrative Rule: Title 11, Chapter 26, Vector Control, Section 11-26-35, Rodents; Demolition of Structures and Clearing of Sites and Vacant Lots, requires that:
 - No person, firm or corporation shall demolish or clear any structure, site, or vacant lot without first ascertaining the presence or absence of rodents which may endanger the public health by dispersal from such premises.
 - Should such inspection reveal the presence of rodents, the person, firm, or corporation shall eradicate the rodents before demolishing or clearing the structure, site, or vacant lot.
 - The Department may conduct an independent inspection to monitor compliance, or request a written report.
- The purpose of this rule is to prevent rodents from dispersing into adjacent areas from infested buildings or vacant lands during demolition or land clearing.
- Contractors may either hire a pest control firm or do the job themselves with a qualified employee. Rodenticides must be inspected daily and replenished as necessary to provide a continuous supply for at least one week prior to the start of any work.

- To submit notifications or for more information, contact the Vector Control Branch:
<https://health.hawaii.gov/vcb/>

Has the potential to generate fugitive dust

- You must reasonably control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, businesses, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does *not* require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems.
- Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints.
- You must provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:
 - Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
 - Providing an adequate water source at the site prior to start-up of construction activities; Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
 - Minimizing airborne, visible fugitive dust from shoulders and access roads;
 - Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
 - Controlling airborne, visible fugitive dust from debris being hauled away from the project site.
- If you have questions about fugitive dust, please contact the Enforcement Section of the Clean Air Branch

Increases the population and potential number of vehicles in an area:

- The creation of apartment buildings, complexes, and residential communities may increase the overall population in an area. Increasing the population in an area may inadvertently lead to more air pollution via vehicle exhaust. Vehicle exhaust releases molecules in the air that negatively impact human health and air quality, as they are known lung irritants, carcinogens, and greenhouse gases.
- Ensure that residents keep their vehicle idling time to three (3) minutes or less.
- Provide bike racks and/or electric vehicle charging stations for residents.
- Ensure that there are sufficient and safe pedestrian walkways and crosswalks throughout and around the development.
- Conduct a traffic study to ensure that the new development does not significantly impact traffic in the area.

Clean Air Branch (808) 586-4200 cab@doh.hawaii.gov	Indoor Radiological Health Branch (808) 586-4700	Vector Control Branch (808) 586-4400
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Comment No. 4



Admin Joule <admin@joulegroup.com>

West Kauai Energy Project

Nakamura, Gayle M <Gayle.M.Nakamura@hawaii.gov>

Thu, Oct 6, 2022 at 2:10 PM

To: "admin@joulegroup.com" <admin@joulegroup.com>

Cc: "Shimabukuro-Geiser, Phyllis" <Phyllis.Shimabukuro-Geiser@hawaii.gov>, "Yamamoto, Earl J" <Earl.J.Yamamoto@hawaii.gov>

Aloha,

On behalf of DOA Chairperson, Phyllis Shimabukuro-Geiser, attached please find the department's comments on the West Kauai Energy Project.

Should you have any further questions, please contact Earl Yamamoto.

Mahalo!

**West Kauai Energy Project DEA.pdf**

90K

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

October 6, 2022

Joule Group, LLC
5362 Kumole Street, Unit A
Kapaa, Hawaii 96746

admin@joulegroup.com
Attention: Ms. Dawn Huff

Dear Ms. Huff:

Subject: Second Draft Environmental Assessment (DEA)
West Kauai Energy Project
Kauai Island Utility Cooperative and
AES West Kauai Energy Project, LLC
Kekaha, Kauai
TMK: 1-2-001 and -002; 1-4-001 and -002 with numerous parcels
Acreage affected:
Construction: 567.97
Operations: 422.58
Landowners:
Department of Land and Natural Resources (DLNR)
Department of Hawaiian Home Lands (DHHL)
Agribusiness Development Corporation (ADC)

The Department of Agriculture has reviewed the documentation comprising the subject DEA and offer the following comments that are limited to agriculture and irrigation.

The primary purpose of the proposed project is to supply up to 25% of Kauai power needs from a unique renewable energy source called pumped storage. There are proposed improvements to the Kokee Ditch, certain reservoirs, and construction of new facilities. There is an irrigation benefit to DHHL's proposed Puu Opae Kuleana Homestead Settlement development that will be located directly adjacent to the Kokee Ditch, between the Puu Moe Ditch Divide and the Mana Reservoir. There are two existing agricultural tenants in ADC's mauka lands that will continue their 0.5 million gallons per day (MGD) water allocation, the DHHL development water allocation will be



6.1 MGD, and the remaining 3.5 MGD will go into Mana Reservoir where it may be used to supplement the Kekaha Ditch Irrigation System that is the primary irrigation water source for ADC's agricultural lands on the Kekaha/Mana Plain.

The site for the 375-acre solar energy facility to be used to power the pumps appears to entirely avoid lands with Land Study Bureau Overall Productivity Rating of "A" ("Detailed Land Classification – Island of Kauai", December 1967 - maps 2, 3, 7, and 8). The solar energy facility will need to comply with Section 205-4.5(a)(20) or (21), Hawaii Revised Statutes.

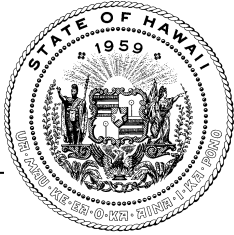
We defer to the ADC and the Kekaha Agriculture Association regarding the impacts of the proposed action on their irrigation system and production lands in the region.

Should you have any questions, please contact Earl Yamamoto at (808) 973-9466 or email at earl.j.yamamoto@hawaii.gov.

Sincerely,

A handwritten signature in black ink, reading "Phyllis Shimabukuro-Geiser". The signature is written in a cursive, flowing style.

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Fax: (808) 586-2536
Web: energy.hawaii.gov

October 10, 2022

Ms. Lauren Yasaka
State of Hawai'i, Department of Land and Natural Resources
Via email: lauren.e.yasaka@hawaii.gov

Subject: Hawai'i State Energy Office Comments on the Second Draft Environmental Assessment and Anticipated Finding of No Significant Impact for the Proposed West Kaua'i Energy Project Located in the Waimea District of the Island of Kaua'i

Dear Ms. Yasaka:

The Hawai'i State Energy Office (HSEO) offers these comments on the Second Draft Environmental Assessment (DEA) for the proposed West Kaua'i Energy Project (WKEP or Project). HSEO's comments are guided by its statutory purpose under Hawai'i Revised Statutes (HRS) Section 196-71 and its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve resilient, clean energy, and ultimately a carbon-negative economy. Hawai'i's clean energy goals should be attained in manner that balances energy needs while protecting natural and cultural resources.

HSEO's comments evaluate whether the DEA adequately addresses the concerns noted by HSEO in the original Draft Environmental Assessment published in September 2021. Markedly, HSEO's comments and suggestions on the original DEA were generally addressed and incorporated in the second draft. HSEO appreciates the substantial improvement and additional analysis incorporated into the DEA.

HSEO believes the Project offers long-term benefits in the form of stabilized electricity costs resulting from reduced reliance on fossil fuels which exhibit high price volatility, increased renewable energy integration, electrical grid reliability, and greenhouse gas (GHG) emission reduction. For these reasons, HSEO supports this Project and its benefits to the people of Kaua'i and the State of Hawai'i. HSEO appreciates the many environmental factors that must be considered in the environmental review process but limits its comments to areas around its statutory kuleana.

Project Description

The Project would generate electricity during the day from its solar photovoltaic (PV) array and battery energy storage system (BESS) located in the Mānā Plain. The electricity generated would go to the grid and be used to pump water from the lower Mānā Reservoir up to the elevated Pu'u 'Ōpae Reservoir. The water stored in the Pu'u 'Ōpae Reservoir and the higher naturally fed Pu'u Lua Reservoir would be released to generate hydropower primarily during peak energy needs and when PV cannot generate adequate electricity, including evenings, early mornings, and during cloudy or rainy weather. The Project would provide a dispatchable source of renewable energy that would strengthen grid reliability as Kaua'i transitions away from the use of fossil fuels for electricity generation.

The DEA states the Project could provide as much as 100 gigawatt-hours of electricity amounting to 20-25% of Kaua'i's electricity needs with renewable energy instead of fossil fuels.¹ The Project developer, AES West Kaua'i Energy Project, LLC (AES) would sell power from the Project to the Kaua'i Island Utility Cooperative (KIUC) at set prices conditionally approved by the Hawai'i Public Utilities Commission (PUC) in December 2021,² estimated at an average annual cost of \$0.16 per kilowatt-hour (kWh) with the Hawai'i Refundable Tax Credit.³ KIUC estimates the Project will save its members/customers between \$157 million and \$172 million (net present value using a 5% discount rate).⁴ HSEO appreciates the DEA's inclusion of and consistency with the power purchase agreement (PPA) filed with the PUC.

HSEO appreciates the DEA's inclusion of the overhead transmission line in Section 4.1.2.17.⁵ KIUC would install a new overhead 57.1 kV transmission line, the WKEP Interconnection Line, between the Project and KIUC's existing transmission system on Kaumuali'i Highway near the Pacific Missile Range Facility. The new WKEP Interconnection Line would be located on the Mānā Plain on Agribusiness Development Corporation (ADC) land and would follow the alignment of existing dirt roads that extend between Mānā Reservoir and Kaumuali'i Highway. The combination of the new overhead interconnection line, reconductoring of existing transmission, and the addition of the fiber optic line would allow KIUC to deliver all energy generation from the Project to KIUC's system in a dispatchable manner.⁶ HSEO understands the overhead line will be constructed and operated by KIUC, not by WKEP. While this is an important distinction, the proposed action could not occur without the construction of the additional interconnection line and therefore HSEO appreciates the inclusion and disclosure of the transmission line in the DEA project description.

HSEO notes that the community expressed concerns about the impacts of the project on the curtailment of their residential PV systems.⁷ HSEO could not find the discussion on curtailment in the revised DEA and suggests moving the response to comments from Appendix Q to the main body of the final document in Section 5.9.2 Potential Impacts - Socioeconomics, explicitly noting, “the project will have no impact on residential solar curtailment since the solar portion of the project will be combined with enough pump load and battery storage to either use or store all of the solar energy that can be produced by the project.”⁸

⁸ DEA, Appendix Q, Agency/Organization Comments with Individual Responses, ID. No. 49.

Sea Level Rise and Flooding

The DEA states preliminary designs site the critical power infrastructure (batteries, inverters, substation, switchyard) on the mauka side of the Mānā Plain at a higher elevation in FEMA Flood Zone X and where the flood depth of a 100-year flood event ranges from 0.01 to 3.0 feet.⁹ Portions of the PV array are located within Flood Hazard Zone A and the 3.2-foot sea level rise (SLR) exposure area, potentially exposing the PV array to damage from flooding or SLR if adequate protection and mitigation measures are not sufficient. The DEA states, “The design of the proposed PV Solar Array would be compatible with being in the flood hazard zone and SLR-XA and would be able to withstand inundation during the prime lifetime of the facility.”¹⁰ HSEO recommends the final document discuss how the PV array will be able to withstand flooding or inundation during high-water events.

The DEA states the pump and storm drainage system in place for the Mānā Plain is managed as part of the long-term agricultural operations and is not part of the Proposed Action. Based on the information presented in the DEA, HSEO believes the successful ongoing operation of these pumps is necessary to preserve the integrity of the Project, specifically the PV array in the low-lying areas of the Mānā Plain. HSEO recommends the final document discuss the Mānā Plain pump system and the contingencies in place should it lose its primary sources of electricity for extended periods.

Precipitation and Water Availability Requirements

HSEO appreciates the additional discussion on precipitation requirements in Sections 4.1.1.2 through 4.1.1.7¹¹ and the discussion in Section 5.13.2.2¹² of the DEA. The DEA states a reduction in stream flows would have no operational effect on the Project, yet it also states there would be economic impacts resulting from a downward trend in streamflow since total available water volume correlates to the amount of energy produced by the Project.¹³ HSEO recommends the DEA clarify how decreased water availability would not impact Project operations, but would impact Project economics.

HSEO suggests adding a reference to Section 4.1.1.2 - Water Availability for the Proposed Action in Section 5.13.2.2 Potential Impacts – Climate Change and Sea Level Rise, to provide readers with context to support included statements, such as “the future downward trend and reduction in stream flows would have no operation effect on the Proposed Action.” Further, HSEO suggests adding language from Appendix Q to Section 5.13.2.2 of the DEA specifically noting, “the available water for diversion and the energy production estimates account for prolonged periods of drought combined with increased frequency of heavy rain events.”¹⁴

Decommissioning and Materials Handling

HSEO appreciates the added content in the DEA on Project decommissioning. Given the multiple terms associated with the useful life of each system component – 25 years for the solar energy, 40 years for the pumped storage hydro, and 50 years for the hydropower-only – HSEO understands the

⁹ DEA, Page 5-160.

¹⁰ DEA, Page 5-164.

¹¹ DEA, Page 4-3 to 4-12.

¹² DEA, Page 5-164.

¹³ DEA, Page 5-164.

¹⁴ DEA, Appendix Q, Agency/Organization Comments with Individual Responses, ID. No. 49.

decommissioning plan will be most valuable when the Project is closer to the end of life. However, KIUC or AES needs funds to be set aside as early as possible to ensure the decommissioning plan can be successfully implemented and completed. HSEO recommends the final document describe the funding that will be available to ensure the Project is properly decommissioned and the batteries and PV panels are properly recycled and/or disposed of at the end of their useful life.

Solid and Hazardous Waste Section

The Hawai'i Department of Health considers discarded PV panels to be a universal waste under HAR 11-273.1.¹⁵ As such, HSEO recommends a Solid and Hazardous Waste Management section be added to Chapter 3 of the final document to supplement and/or include the decommissioning content. This section should cover not only what will happen to the panels at the end of their useful life, but also how the panels, batteries, and other solid and hazardous materials would be handled in the event of damage and/or replacement during project operation. Page 6-5, Section 6.2.1 of the DEA (HRS Chapter 226, Hawai'i State Plan), should be updated to reflect "226-15 Objectives and policies for facility systems – solid and liquid wastes" if applicable. Finally, HSEO recommends the final document discuss if there will be any solid or hazardous waste generated during project construction and if so, how it will be handled.

In conclusion, HSEO supports the Project and a robust HRS 343 evaluation. For questions on our comments please contact Monique Schafer at monique.m.schafer@hawaii.gov or 808-349-3052.

Sincerely,



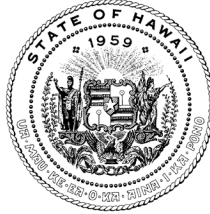
Scott J. Glenn
Chief Energy Officer

cc:

Dawn Huff, KIUC
Jared Chang, SSFM

¹⁵ HAR 11-273.1.

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:TM

Correspondence: KA 23-75

Joule Group, LLC
Att: Dawn Huff
admin@joulegroup.com

October 7, 2022

SUBJECT: Second Draft Environmental Assessment (EA) for the West Kaua'i Energy Project Located in the Waimea District, Island of Kaua'i

Dear Dawn Huff:

The Office of Conservation and Coastal Lands (OCCL) has reviewed the subject document regarding the construction of a renewable energy and irrigation project. The proposed action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing infrastructure as well as new construction of irrigation infrastructure and solar and hydroelectric facilities.

Portions of the project lie within the Conservation District Resource subzone noted as tax map keys: (4) 1-2-001:007 & 003; 1-2-002:001; 1-4-001:002, 003, 013, 014. Proposed work consists of maintenance, repairs and improvements to the existing Kōke'e Ditch irrigation system; rehabilitation of Pu'u Lua Reservoir; the replacement of the intake/regulating structure at the Pu'u Moe Divide; and a portion of the replacement of the Upper Penstock. Utilities, road improvements, installation of data collection and monitoring equipment, vegetation removal and staging areas are also proposed in the Conservation District.

The proposed land uses and improvements in the Conservation District appear to 'facilitate' the proposed solar and hydroelectric facilities. As there is no power generation facility proposed in the Conservation District, the OCCL would like to amend our previous determination that identified the land use as POWER GENERATION FROM RENEWABLE RESOURCES noted as Correspondence: KA 22-41, dated September 20, 2021.

The portion of the project that lies within the Conservation District is an identified land use pursuant to the Hawai'i Administrative Rules (HAR) §13-5-22 P-6 PUBLIC PURPOSE USES (D-1) Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from

renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.

To allow, modify or deny the proposed land uses in the Conservation District would be at the discretion of the Board of Land and Natural Resources. Therefore, the project would require the filing of a Conservation District Use Application with the final environmental document and the completion of the HRS 6E process.

Thank you for addressing our comments regarding the first EA and including a glossary of terms utilized in the document, to help the reader better comprehend irrigation and hydroelectric jargon for the different components of the project. The site-specific descriptions of what is existing, what is proposed, the proposed operations with photos of the existing land uses and the illustrations of the different segments of the project were very helpful to understand what may be involved should the project proceed. Should there be any questions regarding the comments provided in this correspondence, contact Tiger Mills of the OCCL at (808) 587-0382 or via email at kimberly.mills@hawaii.gov.

Sincerely,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

C: KDLO
County of Kaua'i
-Planning
Lauren.e.yasaka@hawaii.gov

Comment No. 7



Dawn Huff <dhuff@joulegroup.com>

FW: OHA Comment Re: DEA for West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Tue, Oct 11, 2022 at 3:13 PM

To: Dawn Huff <dhuff@joulegroup.com>

From: Kamakana Ferreira <kamakanaf@oha.org>**Sent:** Tuesday, October 11, 2022 3:13 PM**To:** Jared Chang <jchang@ssfm.com>**Cc:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>; Dan Ahuna <dana@oha.org>**Subject:** [EXTERNAL] OHA Comment Re: DEA for West Kauai Energy Project

Aloha,

Attached is the Office of Hawaiian Affairs (OHA) comment letter on the draft environmental assessment (DEA) for the West Kaua'i Energy Project. While the comment deadline passed yesterday, we kindly request that our comments still be taken into consideration if possible.

A hardcopy of the letter will be mailed out to you shortly. Please let me know if you have any questions.

Mahalo,

Kamakana C. Ferreira, M.A.

Lead Compliance Specialist

Office of Hawaiian Affairs

560 N. Nimitz Hwy

Honolulu, Hi. 96817

(808)594-0227

**Letter 10 10 22 Re DEA West Kauai Energy Project.pdf**

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**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

October 10, 2022

Jared Chang
Manager and Senior Planner
SSFM International Inc.
99 Aupuni Street, Suite 202
Hilo, Hawaii 96720

Re: Draft Environmental Impact Statement
West Kaua'i Energy Project
Waimea Ahupua'a, Waimea Moku, Kaua'i Moku
Tax Map Key: (4) 1-2-001:003, 007; 1-2-002:001, 016, 018-020, 023; 1-4-001:002, 003, 014; 1-4-002:008, 035, 048, 066-068, and 085

Aloha e Mr. Chang:

The Office of Hawaiian Affairs (OHA) is in receipt of the August 2022 Draft Environmental Assessment (DEA) and Finding of No Significant Impact (FONSI) for the proposed West Kaua'i Energy Project. SSFM International Inc. has prepared this DEA on behalf of the applicant, Kauai Island Utility Cooperative (KIUC) and AES West Kaua'i Energy Project LLC, pursuant to Hawai'i Revised Statutes (HRS) Chapter 343. The proposed action would utilize the existing Kōke'e Ditch Irrigation System and the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs, and includes both rehabilitation of existing State infrastructure as well as new construction of irrigation infrastructure, solar and hydroelectric facilities.

The project is further seeking a 65-year water lease from the Board of Land and Natural Resources (BLNR) to divert a multi-year rolling average of 11 MGD of water into the Kōke'e Ditch Irrigation system from the Waiakōali, Kawaikōi, Kaua'ikinānā, and Kōke'e Streams combined. New interim instream flow standards (IIFS) and water uses have been established via a 2017 Waimea Mediation Agreement by the Commission on Water Resource Management (CWRM). Due to various requests for additional studies, this DEA serves as a revised version of an original draft put out for public review in August 2021. The applicant argues that the project is needed to assist KIUC in meeting the State of Hawai'i mandate to achieve 100% renewable energy by 2045.

While OHA has endeavored to provide as comprehensive review of the DEA as practicable within the time allotted, OHA makes no representation that the comments below are an exhaustive and complete review of all potential issues and concerns with this 1,000+ page document. The comments provided herewith nevertheless highlight representative areas of particularly salient

concern. OHA offers the following comments regarding: lack of shorter lease alternatives; follow-up monitoring; HRS 171-58 compliance; and, HRS 6E (historic preservation) compliance.

Lack of shorter lease alternatives

The DEA does not currently provide a rationale for the requested 65-year lease nor are there any alternative options presented that consider a shorter-term lease. OHA observes though that uncertainty in projected stream flow and rainfall may exist that should warrant caution with a long-term lease option. Notably, water is a public trust resource for which the State has an obligation to protect. OHA too, as a State agency, has our public trust duties enumerated in HRS Chapter 10. As such, a higher level of confidence must be demonstrated by an applicant in their ability to care and maintain a public trust resource whenever a long-term lease is sought.

Currently, the DEA explains that stream flow and rainfall estimates are provided based on hydrology and modeling data using the period of record between 1920 to 2020 at the Kawaikōi USGS¹ Station #106010000. As incomplete or absent data exists for records at Waiakōali, Kauaʻi kinanā, and Kōkeʻe Streams, modeling for these streams is based-off of the same Kawaikōi station. The DEA goes on to provide various “hypothetical situations” to gauge the range of volume and frequency of water discharge depending on the amount of annual rainfall. Various scenarios are provided, based on heavy to average to low rainfall, which would require changes to operational use.

As there appears to be some level of uncertainty in hydrology and projected rainfall, it would seem to OHA that a shorter-term lease should be considered as to more frequently assess modeling and to subsequently allow for any adjustments to the requested amount of water. Arguably, this should aid in minimizing any possible water waste and allow the BLNR to ensure that projected water usage is appropriate. As different hypothetical scenarios proposed in the DEA would require alterations to operations, shorter-lease terms would further allow the BLNR to more frequently observe how the applicant handles and implements such alterations.

Follow up monitoring

OHA notes that as part of the cultural impact assessment (CIA) prepared for this project, water diversion impacts to cultural resources and practices were a major concern to interviewees. Table 5.8 of the DEA lists a number of Native Hawaiian plants and birds identified as being part of traditional cultural practices within the vicinity of the project area. Beneficiaries have also reported concerns about potential effects of sediment runoff, water waste, and greater ecosystem impacts. To mitigate some of these concerns, the DEA claims that the applicant will continue to work with community members throughout construction and operation to minimize impacts to cultural practices and resources.

The DEA appears to indicate that most impacts to environmental components that are also viewed as cultural resources (i.e., water, flora, and fauna) to cultural practitioners would occur

¹ United States Geological Survey

during construction activities and that operational related impacts are mostly expected to be minimal or even beneficial. For example, the DEA indicates that during construction, sediment from soil erosion and contaminants from equipment may impact water quality in streams, whereas operational impacts could include changes to water temperature and increased oxygen levels. The DEA claims that the latter would actually increase water quality levels and that increased reservoir capacities could have positive impacts on waterbird populations.

To offset the construction related impacts, there appears to be a robust effort to survey environmental components, monitor (i.e., biological monitor), and incorporate best management practices (i.e., erosion control, restricting construction times) wherever possible. However, a continuation of monitoring for these environmental components during operation of the system is not entirely clear to OHA at this time. While OHA certainly does not oppose ethically responsible scientific analyses and understands the important role these studies serve in predicting impacts, scientific findings are not always absolute and are often refined through follow up testing, monitoring, or research. In this particular case, the claim that operational impacts are expected to be minimal or even beneficial is not a definite conclusion nor is it fully known if projected instream flow standards can be met and if rainfall will be consistent. As findings are not a guarantee, OHA believes that follow up monitoring on water quality, stream flow, and flora and fauna life should be arranged prior to issuance of any water lease. If such commitments are already in motion, then OHA advises that any such follow up monitoring commitments be made explicit within the DEA. Such monitoring could even perhaps be integrated into a watershed management plan to be collaboratively developed by the applicant and the BLNR pursuant to HRS 171-58(e).

Lastly, given the level of community interest and the applicant's commitment to continue consultation, the applicant should consider adding a cultural monitor requirement. Typically, cultural monitors conduct cultural protocols (i.e., oli, pule), brief personnel on the cultural sensitivity of an area, and provide a second set of eyes on cultural resources during construction work. Although cultural monitoring is often optional, OHA notes that in many projects involving highly sensitive cultural areas or resources, cultural monitors have been utilized effectively to help ensure the protection of cultural resources and instill community confidence in the manner of which work is performed.

HRS 171-58 Compliance

OHA notes that HRS 171-58 calls for 1) DLNR to consult with Department of Hawaiian Homelands (DHHL) prior to issuance of a water lease as to ensure that water needs are not taken away from future homestead needs; and, 2) the applicant to collaborate with DLNR on a watershed management plan. In regards to the latter, the BLNR shall not approve any new lease of water rights without a covenant for the lessee to develop and implement the management plan. As part of the aforementioned 2017 Waimea Mediation Agreement, the applicant has consulted with DHHL on possible future water needs. Thus, it is assumed this requirement is met and that the applicant will continue to work with DHHL going forward.

The DEA does mention the need for a management plan as part of seeking a conservation district use permit (CDUP); however, it is not clear if this particular plan is the watershed

management plan called out in HRS 171-58. Thus, OHA advises that the DEA explicitly discuss the HRS 171-58 commitment to develop a watershed management plan in collaboration with DLNR and to provide a projected timeline (with key milestones) for completion. Given the State’s need to protect the public trust, the watershed management plan requirement is not unexpected and should be a paramount tool to ensure the public trust resource is managed properly by permitted lessees.

HRS 6E (Historic Preservation) Compliance

The DEA mentions that initially an archaeological literature review and field inspection was done, but that it was followed up with an archaeological inventory survey (AIS) due to the presence of several historic sites (i.e., irrigation features). Subsurface testing was included as part of the AIS process that did not unearth any cultural deposits. During the pedestrian survey work, at least four hearths and one rock wall were located during the pedestrian survey that are currently recommended for preservation. Data recovery, however, is being considered should preservation not be possible. Archaeological monitoring is further proposed despite the negative subsurface findings.

OHA notes, however, that it is unclear if State Historic Preservation Division (SHPD) review has been completed for the AIS and overall HRS 6E process. The DEA does note that an HRS 6E request was made to SHPD in May 2019; however, there is no indication that SHPD has concurred with any of the mitigation recommendations or AIS methodology. While OHA does acknowledge that the HRS 6E and 343 processes are indeed separate, it has long been our preference for HRS 6E to be mostly completed before preparation of an environmental review document so that mitigations can be fully disclosed to the public. In this particular case, it seems clear that HRS 6E mitigation commitments will not be fully known until well after concluding the HRS 343 process. However, OHA does recommend the DEA explain the current status of SHPD review and include a commitment to finishing the HRS 6E process.

OHA respectfully requests to be provided with any SHPD comments and to be provided with drafts of the archaeological monitoring plan and preservation plan to review. The applicant could further add OHA as a “user” to the online HICRIS² file generated for this project with SHPD.

Closing Remarks

On a final note, the overall analysis within an environmental assessment is not meant to be as in-depth as those prepared for an environmental impact statement (EIS). OHA is aware that there are community members and groups that believe preparing an EIS in this case could enable the development of better alternatives, hydrological modeling, and ecosystem analyses. For example, a draft EIS could develop a detailed tiered lease approach (i.e., 15-year, 20-year, 30-year) by exploring and comparing the differences in effect and feasibility of varying, specific lease durations. Thus, OHA does request that the applicant consider voluntarily proceeding with an EIS in light of these concerns and implores that the approving agency, DLNR, carefully determine the level of environmental review needed for this project pursuant to HAR 11-200.1-14.

² Hawai‘i Cultural Resources Information System

Mr. Jared Chang, SSFM International
DEA West Kaua'i Energy Project
October 10, 2022
Page 5

OHA looks forward to reviewing a revised DEA or even a draft EIS that addresses our concerns regarding alternatives, follow-up monitoring, HRS 171-58 compliance, and HRS 6E compliance. If needed, OHA is willing to engage in any future discussions or consultations. To date, OHA is disappointed that we have not been directly consulted on a long-term water lease request. Should you have any questions, please contact our Lead Compliance Specialist, Kamakana C. Ferreira, at (808) 594-0227, or by email at kamakanaf@oha.org.

‘O wau iho nō me ka ‘oia ‘i‘o,

A handwritten signature in black ink, appearing to be 'Sylvia Hussey', written over a circular stamp or seal.

Sylvia Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

SH:kf

CC: Dan Ahuna, OHA Trustee for Kaua'i Island
Lauren Yasaka, Planner, Department of Land and Natural Resources

Comment No. 8



Admin Joule <admin@joulegroup.com>

Po`ai Wai Ola's Comments on KIUC's Second Draft Environmental Assessment for the West Kaua`i Energy Project

Elena Bryant <ebryant@earthjustice.org>

Mon, Oct 10, 2022 at 4:11 PM

To: "Yasaka, Lauren E" <lauren.e.yasaka@hawaii.gov>

Cc: "admin@joulegroup.com" <admin@joulegroup.com>, "jchang@ssfm.com" <jchang@ssfm.com>

Aloha Ms. Yasaka,

Earthjustice submits the attached comment letter on behalf of Pō'ai Wai Ola/West Kaua'i Watershed Alliance, in response to the September 8, 2022 solicitation for public comment on KIUC/AES West Kaua'i Energy Project, LLC's Second Draft Environmental Assessment for the proposed West Kaua'i Energy Project.

If you have any questions or would like to discuss these comments further, please feel free to contact me by email at ebryant@earthjustice.org or by telephone at (808) 599-2436.

Mahalo nui,

Elena

Elena L. Bryant

Associate Attorney

Earthjustice

[850 Richards Street, Suite 400](#)[Honolulu, HI 96813](#)

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Because the earth needs a good lawyer

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2022-10-10 PWO 2nd DEA Comments.pdf
2190K



October 10, 2022

Via Electronic Mail

Lauren Yasaka

State of Hawai'i, Department of Land and Natural Resources

1151 Punchbowl Street, Room 131

Honolulu, HI 96813

lauren.e.yasaka@hawaii.gov

Re: Pō'ai Wai Ola's Comments on the Second Draft Environmental Assessment for the West
Kaua'i Energy Project.

Dear Ms. Yasaka:

Earthjustice submits these comments on behalf of Pō'ai Wai Ola/West Kaua'i Watershed Alliance ("PWO"), in response to the September 8, 2022 solicitation for public comment on the West Kaua'i Energy Project ("WKEP") Second Draft Environmental Assessment ("DEA"). PWO is a community-based organization rooted in West Kaua'i and is dedicated to managing and conserving water resources for present and future generations and protecting the long-term sustainability and health of the entire Waimea River system from its mauka headwaters to makai nearshore marine areas.

PWO has engaged in related legal processes directly bearing on the proposed WKEP for the better part of a decade. PWO has participated in proceedings before the state Commission on Water Resource Management ("CWRM") regarding the protection and restoration of instream flows in the Waimea River system and management and oversight of diversions for offstream uses, including commercial agriculture and hydropower. In July 2013, PWO brought a petition to restore stream flow that resulted in a Mediation Agreement for the Waimea Watershed Area ("Watershed Agreement") and CWRM order increasing the interim instream flow standards ("IIFS") for Waimea River and providing an opportunity for the Kaua'i Island Utility Cooperative ("KIUC") to pursue due diligence for the proposed project.

This due diligence was to include engineering, biological, and archaeological studies and compliance with various government permits and approvals, including the environmental review process under the Hawai'i Environmental Policy Act ("HEPA"), Haw. Rev. Stat. ("HRS") chapter 343, which "will be necessary prior to agency action." (DEA, Appendix A at 4.) The due diligence for the proposed project also included installing full monitoring of stream and ditch flows. Four years after the Watershed Agreement went into effect, however, KIUC still has not completed the gauging and monitoring requirements due to delays in permitting

and approvals, which has resulted in the loss of years of valuable information related to streamflow availability and the amounts and impacts of diversions.

In January 2021, PWO also petitioned the Public Utilities Commission ("PUC") to intervene in proceedings related to the proposed WKEP and was granted participant status in the docket. On December 1, 2021, the PUC granted KIUC's requests for approvals for its proposed WKEP, including agreements between KIUC and developer AES West Kaua'i Energy Project, LLC ("AES"), while the HEPA review process is still ongoing. PWO appealed the PUC's decision to the Hawai'i Supreme Court. On July 26, 2022, PWO and KIUC entered into a settlement agreement, resolving PWO's appeal ("Follow-Up Agreement").

The Follow-Up Agreement, attached hereto as Attachment A, sets forth various understandings, commitments, and agreements between PWO and KIUC. The goal of the Follow-Up Agreement is to "develop and have all parties adopt a set of operating protocols . . . to protect and restore water resources and control water uses in the area in line with public trust principles." The Follow-Up Agreement provides that PWO and KIUC are to develop a set of operating protocols for the use of the waters of the Kōke'e Ditch which, among other goals, will ensure that the water is matched by agricultural and other end uses acceptable to both parties. Specifically:

The goal is to have the use of the water by the non-pumped storage portion of the project be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis.

In line with the 1:1 use goal, "the protocols should minimize reliance on the Kekaha Ditch waters, minimize operational losses in the ditch systems, maximize continuing restoration of instream flows, and avoid waste generally."

These commitments in the Follow-Up Agreement, which are legally binding on KIUC, are not mentioned or discussed in the DEA. This does not comply with the Follow-Up Agreement, nor does it comply with HEPA, which requires full and transparent disclosure and analysis of the proposal as it actually is planned and intended to operate.

PWO has raised many questions and concerns regarding the proposed WKEP from an early stage, starting more than two years ago during the early consultation phase for the DEA and in their September 22, 2021 comments to KIUC's first DEA. Yet these issues still remain unaddressed or ignored in the current document. A copy of PWO's September 22, 2021 comment letter is attached hereto as Attachment B and is incorporated herein by reference. PWO has been watching the development and disclosure of the details of the proposed project with growing concern. Having now reviewed the second DEA in its entirety, PWO submits these comments to raise various questions and concerns related to the proposed project that

must be addressed to ensure that the project fully realizes its originally envisioned “win-win-win” promise, centered first on the West Kaua’i community that would be hosting the project.

- A. There is no question that the proposed WKEP “may” have a significant impact on the environment, thus necessitating full environmental review in an Environmental Impact Statement.

A project of such historic scale and complexity as the proposed WKEP, which seeks to divert 4 billion gallons of water annually for the next 65 years, unquestionably *will* have a significant impact on the environment and, thus, requires a full environmental review in an environmental impact statement (“EIS”). Pursuant to Hawai’i Administrative Rules (“HAR”) Chapter 11-200.1, “[i]n considering the significance of potential environmental effects, agencies shall consider and evaluate the sum of effects of the proposed action on the quality of the environment.” *Id.* § 11-200.1-13(a). Moreover, “an action shall be determined to have a significant effect on the environment *if it may*,” among other factors, “[i]rrevocably commit a natural, cultural, or historic resource,” “[c]urtail the range of beneficial uses of the environment,”¹ or “[h]ave a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a[n] . . . estuary, fresh water, or coastal waters. *Id.* § 11-200.1-13(b) (emphasis added). The WKEP proposal readily meets these threshold standards for an EIS.

Water diversion is a central and integral part of the proposed WKEP, and KIUC plans to seek a long-term (65-year) lease to divert an average of 11 million gallons of water per day (“mgd”) from the Waiakōali, Kawaikōi, Kaua’ikinānā, and Kōke’e Streams. (DEA at ES-2.) By any measure, 11 mgd is a significant volume of flows.² This equates to 4 billion gallons of water annually. These proposed diversions represent a significant, irrevocable commitment of river flows, which would be removed from its watershed of origin, conveyed through the project, and ultimately directed to the Mānā Plain for irrigation and/or disposed as pollutant discharges through the Mānā drainage system and into the ocean.

As further explained below, the DEA overlooks these impacts from a decades-long commitment of 11 mgd from the Waimea River, the discharge of up to 26 mgd of excess water along the shoreline, and potential double diversions of the Waimea River via both the Kōke’e

¹ “Environment” is defined under HAR § 11-200.1-2 as “humanity’s surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including . . . water.”

² For general perspective, 11 mgd is comparable to the total diversions allowed for the Waiāhole Ditch System on O’ahu and is more than the current instream flow standards for both Waihe’e and Wailuku Rivers in Nā Wai ‘Ehā on Maui, the two largest rivers on that island.

and Kekaha ditch systems. The proposed WKEP, a project that would outlast most of our lifetimes, not only “may,” but *will*, have a significant impact on the environment and should, therefore, be required to undergo full environmental review and the preparation of a full EIS. An EIS would, among other benefits, enable a full analysis of alternatives, including a range of potential diversion amounts and the corresponding impacts.³ Allowing the proposed WKEP to avoid full environmental review and the preparation of an EIS is not only legally mistaken, but also sets a negative precedent and sends the wrong message for this and other communities being asked to host such major renewable energy projects.⁴

B. The DEA fails to consider and analyze the full impacts of diversions on the Waimea River and stream habitat.

The DEA does not examine the full scope of potential impacts of Waimea River diversions. Instead, it looks at only a minor portion of the impacts by “consider[ing] that the Kōke’e Ditch Irrigation System is an existing diversion system that has been in place and operational since the early 1900’s.” (DEA at 5-17.) Comparing the proposed project’s impacts to historical diversions, which destroyed habitat for native stream life by maximizing stream diversions, fails to fully analyze the full scope of proposed project’s impacts with the closure of the plantation. Such an analysis ignores the full impacts from the long-term removal of 11 mgd on instream uses and values, including ecosystem health and Native Hawaiian rights. It also contradicts the recognition elsewhere in the DEA, under the “no-action alternative” analysis, that if the Kōke’e Ditch Irrigation System were to be closed and diversion structures were removed or modified resulting in all flow being retained in the stream, “there would be beneficial impacts to other native and invasive stream biota downstream of the diversions.” (DEA at 5-76.)

³ Compare HAR § 11-200.1-18 (describing draft environmental assessment content requirements, including a “[s]ummary description of the affected environment” and an “[i]dentification and analysis of impacts and alternatives considered”) with HAR § 11-200.1-24 (more fully outlining requirements including that the EIS “*fully declare* the environmental implications of the proposed action and shall discuss all reasonably foreseeable consequences of the action,” including “*responsible opposing views*, if any, on significant environmental issues raised by the proposal,” “a rigorous exploration and objective evaluation of the environmental impacts of *all such alternative actions*,” and an analysis of probable impacts on the environment including “consideration of *all phases of the action* and *consideration of all consequences* on the environment, including direct and indirect effects”) (emphasis added).

⁴ In January 2019, KIUC issued a draft EIS preparation notice, but it subsequently opted to proceed with the preparation of an EA. (DEA, Appendix P PDF at 773, 784.)

The DEA further acknowledges that “[i]f the West Kaua’i Energy Project is not constructed and water needs along Kōke’e Ditch remain consistent with current uses, more water on average would remain in the Waiakōali, Kawaikōi, Kaua’ikinanā, and Kōke’e Streams than during West Kaua’i Energy Project operation.” (DEA at 4-192-193). But it does not address and analyze these benefits, and conversely, the negative impacts of the proposed project diverting these flows. The environmental and cultural costs of removing 4 billion gallons of river water per year must be fully addressed in this environmental review process.

The DEA’s focus on the “existing” diversions and “pre-diversion” conditions ignores that, currently, stream flows should be almost fully restored because little or no offstream uses exist, and the Watershed Agreement requires that stream flows be restored to the maximum extent possible and that any unused water remain in the stream to prevent unlawful waste. (DEA, Appendix A at 2, 6.) This restored condition would continue in the absence of the scale of diversions proposed for the WKEP. The DEA ignores this *current* condition and the impacts of *renewing* large-scale diversions and precluding a long-term restoration and revival of the stream ecosystems. Proper environmental review must analyze the impacts of the proposed 11 mgd diversion in relation to a *no-diversion condition*, or at the very least, in comparison to current flow conditions restored under the Watershed Agreement and the expected benefits from this almost full restoration of flows.

C. The DEA relies on a faulty stream habitat assessment for the conclusion that the proposed WKEP would not negatively impact native stream life.

The DEA also relies on a flawed stream habitat assessment (DEA Appendix G) that compares the proposed diversions to historical diversion amounts rather than current conditions. Based on the report, the DEA concludes that “West Kaua’i Energy Project diversions are expected to have minimal impact on native stream habitat for aquatic species of concern.” (DEA at 4-193.) The DEA also concludes the Phase Two IIFS flow restoration scenario “as improving instream habitat conditions for native amphidromous stream animals compared to current conditions.” (DEA at 5-70.) The stream habitat assessment the DEA relies upon in making these conclusions, however, assesses stream habitat and biota *before* plantation-era diversions were fully restored and stream life was able to fully recover.

The DEA maintains that the “instream habitat was in good condition *during then current diversion operations* that did not provide for implementation of the Phase One IIFS,” and concluded that the “Phase Two IIFS through the Proposed Action would benefit instream habitat and aquatic biota.” (DEA at 5-167; emphasis added.) This fails to account for the *further* benefits of full compliance with the Phase One IIFS, again ignoring the full scope of impacts of diverting stream flows compared to a condition of maximum required restoration under Phase One or natural flow.

The stream habitat assessment was conducted between February and June 2018. (DEA at 5-18; *see also* DEA Appendix G.) While the Watershed Agreement was approved and adopted in May 2017, it is not clear that stream flows had been restored to the “maximum extent possible” by that time (DEA Appendix A at 6), and there are indications that this requirement remains unfulfilled, even to today.⁵ In sum, while the DEA acknowledges that “[t]hese diversions would reduce the amount of water left in the stream downstream of each diversion and on the Waimea River” (DEA at 5-17), the DEA does not consider or assess the full range of impacts of this reduction. The DEA needs to openly and thoroughly assess the impacts that new long-term diversions would have on native stream life.

D. The DEA improperly relies on the Watershed Agreement’s IIFS for its finding of no significant impact.

The DEA incorrectly relies on the Watershed Agreement to justify its proposed finding of no significant impact, suggesting in effect that the Watershed Agreement disposes of the need to conduct proper analysis of the impacts of flow diversions. According to the DEA, the proposed WKEP’s “implementation of the Phase Two IIFS would minimize impacts to diverted streams by maintaining flow volumes in stream channels that have been determined by CWRM sufficient to meet the instream needs including those of aquatic habitat and stream biota.” (DEA at 5-17.) The DEA further claims that the Phase Two IIFS “has been set by CWRM and deemed sufficient to meet the instream needs including stream biota and habitat” and “would improve habitat suitability.” (DEA at 5-166, 7-7, 5-70.) These assertions misstate the intent and effect of the Watershed Agreement.

In setting the IIFS for the Waimea River streams and tributaries, CWRM did not do any analysis or make any findings that the IIFS in the Watershed Agreement were sufficient to meet instream needs. Instead, it was understood by the parties to the Watershed Agreement that KIUC was to do its due diligence to ensure that the proposed project was environmentally and economically advisable and feasible. A guiding principle of the Watershed Agreement provides that “[a]ny diversion of water from a stream *must be justified* with no more water taken than is

⁵ As reported to CWRM at its November 2020 Waimea Watershed Agreement compliance informational briefing, it was not until May 2020 that the Phase One diversion modifications were reportedly completed for Kekaha Ditch, but compliance for the Kōke’e Ditch had not been confirmed. The November 2020 briefing may be found at: <https://www.youtube.com/watch?v=pfPVbn3v8w&t=15857s>.

At the Commission’s September 2022 Waimea Watershed Agreement compliance information briefing, it was reported that there are indications that the Kōke’e diversions have not been restored to the maximum extent possible. The September 2020 briefing may be found at: <https://www.youtube.com/watch?v=Ei697zIy0OI>.

needed for other beneficial uses, *and even then, the health of the stream must be preserved at all times.*" (DEA, Appendix A at 2; emphasis added.) In order to allow KIUC to move forward with the proposed project, certain understandings and agreements were made to allow KIUC the ability to perform its due diligence on the project, including environmental and cultural studies and mitigation. (DEA, Appendix A at 4.) The Watershed Agreement also includes as an operating protocol that "[c]ontrolled releases and biological studies will be part of any protocol to help determine the best ongoing uses of water." (DEA, Appendix A at 10.)

In sum, the Watershed Agreement was never intended to serve as a finding by the parties and CWRM that the proposed IIFSs and 11 mgd of offstream diversions were sufficient to meet instream needs, or a substitute for KIUC's responsibility to conduct the actual necessary analysis and disclosure of the impacts in an EIS. The DEA thus cannot simply rely on the Watershed Agreement to justify a finding that the removal of 11 mgd of water from the Waimea River would have no significant impact. Instead, the DEA must independently analyze impacts to instream uses and values. *See* HAR § 11-200.1-18 (requiring identification and analysis of impacts).

E. The DEA fails to analyze impacts from the discharge of diverted flows with no consumptive end use.

A key understanding and principle of the Watershed Agreement is that unused waters must remain in, or be returned to, the Waimea River system. (*See* DEA, Appendix A at 9.) The underlying intent and spirit are that water removed from the streams would be beneficially used for both hydropower generation *and* agricultural end uses, and not simply diverted for hydropower and then dumped and wasted. In line with this principle, the July 2022 Follow-Up Agreement requires that the use of water by the non-pumped storage portion of the proposed project be matched by agricultural and other mutually acceptable end uses on a 1:1 basis. The DEA indicates, however, that up to 26 mgd of the water diverted would not only be dumped, but also discharged along the shoreline, where it would contribute to ongoing problems of nearshore ocean water pollution. This is not consistent with KIUC's commitments under the Follow-Up Agreement.

The DEA, for example, considers discharging water to "open floodable spaces" where it would be stored "before it is gradually pumped into the ocean." (DEA at 4-169.) This raises multiple concerns regarding the proposed WKEP's impact to environmental and cultural resources along the shoreline and nearshore waters, and the project's ability to meet KIUC's obligations under the terms of the Watershed Agreement and the Follow-Up Agreement. The understandings and commitments in these agreements are legally binding on KIUC, yet the DEA does not address how KIUC intends to comply with these commitments in the way it intends to run its hydro project.

Moreover, the DEA must fully and transparently address the impacts of whatever form in which KIUC proposes to design and operate the project. In determining whether an action may have a significant effect on the environment, “the agency shall consider *every phase* of a proposed action, the *expected impacts*, and the *proposed mitigation measures*.” HAR § 11-200.1-13(b) (emphasis added). Impacts include “ecological effects (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), . . . whether primary, secondary, or cumulative, whether immediate or delayed.” *Id.* § 11-200.1-2.⁶ The project discharges are primary impacts because they are directly caused by the project. Yet, the DEA omits the impact of the project discharges on the Mānā storm drainage system, the Mānā Plain, and most importantly, the shoreline and nearshore ecosystem.

While the DEA asserts that “[t]he existing storm drainage system and the pressurized irrigation system on Mānā Plain is not part of the West Kaua‘i Energy Project,” (DEA at 4-169), this “out of sight, out of mind” perspective does not excuse the requirement to assess the impacts of project discharges. The impacts of discharging flows through that drainage system into the ocean would still need to be analyzed as a secondary effect since they are “caused by the [WKEP] and are later in time or farther removed in distance” and are “*reasonably foreseeable*.” See HAR § 11-200.1-2 (defining “secondary impact”). In sum, the DEA fails to analyze the primary and secondary impacts of the project discharge on the shoreline, nearshore ecosystem, and ocean, including the pollution impacts from the use of legacy plantation ditches.

1. The DEA fails to analyze impacts to the shoreline, nearshore ecosystem, and ocean from the potential 26 mgd discharge from the proposed WKEP.

The DEA states that the frequency and volume of discharge at Mānā Reservoir would vary, but modeled outflow “indicates a *monthly average range of 8 to 17 MGD* without any irrigation usage along the West Kaua‘i Energy Project flowline above Mānā Reservoir, and a *monthly average range of 0.8 to 9.5 MGD* after irrigation withdrawals above Mānā Reservoir.” (DEA at 4-164; emphasis added.) If this discharge cannot be used for irrigation or other beneficial uses on Mānā Plain, “it would be delivered through pipes to the storm drainage system.” (DEA at 4-164.) Again, this is not consistent with the commitments in the Follow-Up Agreement that require “the use of the water by the non-pumped storage portion of the project [to] be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis.” Attachment A, Follow-Up Agreement at 6.

⁶ “Primary impacts” refers to those “effects that are caused by the action and occur at the same time and place,” while “secondary impacts” or “secondary effects” refer to an “effect that is caused by the action and is later in time or farther removed in distance, but is still reasonably foreseeable,” including “related effects on air, water, and other natural systems, including ecosystems.” *Id.* § 11-200.1-2.

During high streamflow scenarios, the DEA indicates that “[t]he full 26 MGD [used to generate electricity] would be discharged at Mānā Reservoir and assuming there would be no irrigation needs on the Mānā Plain due to rain, delivered to the open floodable spaces or pumped into the ocean at Kawai‘ele or Nohili.”⁷ (DEA at 4-166.) Discharging stream water to open floodable spaces to later be pumped into the ocean is not a beneficial end use as envisioned by the Watershed Agreement and Follow-Up Agreement and conflicts with the commitment that water used by the WKEP would be matched with DHHL uses and other agricultural uses on a 1:1 basis.

The discharge of up to 26 mgd along the shoreline also conflicts with the Hawai‘i Coastal Zone Management Program’s objective to protect valuable coastal ecosystems, including reefs, from disruption and to minimize adverse impacts on all coastal ecosystems. HRS ch. 205A-2(b)(4). The DEA misleadingly states “[t]he Proposed Action is not in a coastal area and would have no impacts to marine resources.” (DEA at 6-41.) The impacts of the proposed WKEP do not stop at only the footprint of the proposed hydroelectric facilities. This artificially constricted view improperly disregards the nearshore water quality impacts of the discharge of up to 26 mgd of excess water through miles of legacy coastal drainage ditches and fails to analyze the impacts of such ongoing and increased pollution through these ditches on coral reefs, endangered species, and other marine resources.

2. The DEA fails to account for the pollution impacts from use of the legacy plantation drainage ditches.

The DEA fails to analyze or address the primary, secondary, and cumulative pollution impacts from the proposed WKEP’s use of legacy plantation drainage ditches. The DEA claims that “[a]ll Project discharge would be clean, filtered water from Kōke‘e Streams.” (DEA at 4-162.) But the DEA also acknowledges that “[u]nder the Proposed Action, existing diversion and earthen ditch infrastructure would continue existing operations.” (DEA at 5-31.) Such pollution discharge from these ditches have been the subject of recent federal lawsuits, in which the court has ruled the discharge unlawful without a federal Clean Water Act permit. *See Nā Kia‘i Kai v. Nakatani*, 401 F. Supp. 3d 1097 (D. Haw. 2019).

⁷ The DEA indicates that the open floodable spaces “would provide an area where storm run-off could be delivered and stored until sediment settles and clear[s], clean water can be transported to the ocean at either Nohili or Kawai‘ele.” (DEA at 4-162.) Discharging diverted river water to “open floodable spaces” is not consistent with the Waimea Watershed Agreement and the Follow-Up Agreement.

According to the DEA, the proposed project would discharge water to the existing Mānā storm drain system – a system comprising approximately 40 miles of earthen ditches and canals built in the early 1920's to drain storm water, which have been found to add pesticide-laden sediment to the waters it transfers. The U.S. District Court for the District of Hawai'i has found that the Mānā drainage ditch system's "forty miles of unlined, earthen drainage ditches *add pesticide-laden sediment to the transferred waters.*" See *Nā Kia'i Kai*, 401 F. Supp. 3d at 1108 (emphasis added). Yet, the DEA fails to analyze any pollution impacts from the project discharge that would be flowing through these plantation-era dirt ditches, picking up sediment, pesticides, heavy metals, and other contaminants along the way, then discharging into the ocean. Even if, as the DEA maintains, "no foreign objects or chemicals are introduced to the water during its passage through the penstocks, pumps, or turbines," (DEA at 6-37), the pollution from the transport of project discharge through the Mānā storm drain system must be analyzed at least as a secondary and cumulative impact in the DEA. Instead, the DEA improperly ignores any direct, secondary, and cumulative impacts its discharges would have on the nearshore environment by simply claiming that "[t]he existing storm drainage system and the pressurized irrigation system on Mānā Plain is not part of the West Kaua'i Energy Project." (DEA at 4-169.)

The DEA also appears to rely on the assertion that "ADC has submitted an NPDES application to DOH and the operations of the Mānā Plain storm drainage system would be regulated by the DOH through the NPDES permit." (DEA at 4-169.) Regardless of whose permit it is, HEPA review requires an analysis of the impacts that the proposed project discharge would have on the nearshore environment by contributing significant additional flows to the Mānā storm drain system. The DEA ignores the impacts on the environment resulting from the additional volume of water that the proposed project would push through the storm drain system.⁸ The DEA suggests that project discharge "is expected to dilute existing potential pollutants or chemical contaminants that may be present in water from other sources in the existing storm drainage system," (DEA at 4-169), but ignores the nature of the pollution problem, which is caused by *throughflow* that picks up sediment and other contaminants as it travels *through* the drainage ditches. The DEA does not address this impact, but simply ignores it in focusing on the quality of the water entering the polluting drainage system.

Moreover, the DEA relies on a yet-to-be-processed NPDES permit submitted by ADC to address WKEP discharges, but fails to indicate whether the NPDES permit application for the

⁸ "Cumulative impact" refers to "the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions." HAR § 11-2001.-2. Moreover, "[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time." *Id.*

Mānā ditch drainage system, submitted to DOH on June 5, 2020, accounted for the up to 26 MGD additional discharge waters that would be coming from the proposed WKEP. The DEA must disclose and analyze these details, including the primary, secondary, and cumulative impacts of the pollution discharges through the Mānā Plain drainage system, as well as proposed mitigation measures.

3. The DEA fails to account for *actual* agriculture needs and plans, particularly on the Mānā Plain.

The DEA suggests that water uses along the Kōke'e ditch system would meet or exceed the diversions of water that is proposed as part of the proposed WKEP; however, the DEA contains little data or analysis on current water demand or any information and support as to when the expected demand for "all Project discharge for irrigation or other beneficial uses" would potentially materialize, if ever. (See DEA at 4-162.) Ensuring beneficial use of water for actual agricultural needs on the Mānā Plain is a critical and central component of the operation of the proposed WKEP, whose express purpose and justification includes "[i]rrigation delivery to support diversified agriculture on lands adjacent to the Project site . . . and the agricultural fields on the Mānā Plain." (DEA at ES-1.) The Follow-Up Agreement makes clear that KIUC is to work with PWO "to develop a set of operating protocols for the use of the waters of the Koke'e Ditch which, among other things, will ensure that the water is matched by agricultural or other end uses acceptable to both parties." Attachment A, Follow-Up Agreement at 5. Specifically, the goal is to ensure diverted river flows would "be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis," and that project operations would "minimize reliance on the Kekaha Ditch waters, minimize operational losses in the ditch systems, maximize continuing restoration of instream flows, and avoid waste generally." *Id.* at 6.

The DEA states that "[a]fter being used for energy generation, all the water that entered the turbine (up to 18.55 MGD) would be discharged into Mānā Reservoir where it would be available for agricultural uses on Mānā Plain." (DEA at 2-3, 2-4.) The DEA further suggests that "[i]t is KAA's intent to use all Project discharge for irrigation or other beneficial uses"; however, the DEA fails to disclose any and all available data on current agricultural needs and future plans, the projections and timeframes for potential agricultural buildout, and the impacts of project operations under different stages or scenarios of actual buildout. Instead, the DEA lists potential, speculative uses for the project discharge water, including "lo'i kalo that is being developed"; "an agricultural component that would be implemented"; "future agricultural expansion" at the northern end of the Mānā Plain; "an estimated irrigation demand of 6 MGD for farming on Mānā Plain based on current license agreements and license agreements currently in discussion for near term future farming"; agricultural options that "are being explored with KAA and local farmers"; and an "open floodable spaces project" being developed. (DEA at 4-168.)

As the Follow-Up Agreement makes clear, without beneficial end uses, the project should not divert water. Thus, rather than simply speculating about potential end uses that may be implemented, a more diligent environmental review should consider alternative project scenarios in the event that end uses for the diverted water are not available.

With no real plan in place, the DEA acknowledges that “in the event KAA is not able to use all Project discharge for irrigation or other beneficial uses, it would be delivered to the storm drainage system.” (DEA at 4-162.) This does not comply with the Follow-Up Agreement. In any event, the DEA provides no basis for the projected demand for “all Project discharge,” which is not supported by any available data. For example, agricultural water uses on the Mānā Plain so far in 2022 have averaged 2.49 mgd and over the many years since the Watershed Agreement have historically fallen more in a range between 1 and 2 mgd. This is nowhere near the projected project discharge volumes.

In sum, the DEA fails to present any concrete information regarding current and projected actual agricultural need, which is critical to ensure the beneficial end use of the diverted flows in compliance with the Watershed Agreement and Follow-Up Agreement, as well as the mitigation of pollution impacts of discharged excess flows. Such information and analysis should include, at minimum, any and all available data on current agricultural needs and future plans, the projections and timeframes for potential agricultural buildout, and the impacts of proposed project operations under different stages or scenarios of actual buildout.

F. The DEA fails to analyze the cumulative impacts of diversions from the Waimea River System by the Kōke'e and Kekaha Ditches.

The DEA also fails to analyze the cumulative impacts of diversions from the Waimea River system by both the Kōke'e and Kekaha Ditches, both purportedly for agricultural and energy uses. Environmental review documents are required to identify and analyze all impacts of a proposed action, including cumulative impacts. HAR §§ 11-200.1-18(d)(7), 11-200.1-2. “Cumulative impact” is defined as “the impact on the environment that results from the incremental impact of the action *when added to other past, present, and reasonably foreseeable future actions* regardless of what agency or person undertakes the other actions.” HAR § 11- 200.1-2 (emphasis added).

The Watershed Agreement states that “the KIUC project is intended to serve both energy and agricultural uses which will enable the Commission to review the water needs of both systems with the goal of reducing the diversion of water into the Kekaha Ditch system” (DEA, Appendix A at 2.) Moreover, the Follow-Up Agreement reiterates KIUC’s commitment to “coordinate the development of the operating protocols for KIUC’s project with KAA/ADC’s operation of the Kekaha Ditch system” and “secure the greatest possible use of the energy

project waters to support any and all agricultural uses on the Mana Plain to minimize reliance on the Kekaha Ditch waters.”

According to the DEA, operations of the Kekaha Ditch Irrigation System would be affected by the proposed WKEP in only one way: the WKEP “would be able to deliver water to Menehune Ditch *as a back-up source* when the Kekaha Ditch Irrigation System is closed for repairs or maintenance,” through a pipe KAA installed at the end of the southern branch of the Kōke’e Ditch that delivers water to Kekaha Ditch. (DEA at 4-189; emphasis added.) While the WKEP would also connect Mānā Reservoir with the Kōke’e Ditch, the “Mānā Reservoir is not currently operating as part of the Kekaha Ditch.” (DEA at 4-189.) Other than these changes, “[t]here are *no other changes to the Kekaha Ditch Irrigation System infrastructure or operations* associated with the Proposed Action.” (DEA at 4-189; emphasis added.)

This does not comply with the Watershed Agreement and Follow-Up Agreement. The DEA fails to disclose and explain how project related infrastructure would integrate with Kekaha Ditch operations and agricultural plans on the Mānā Plain to ensure that the Kōke’e Ditch would provide the primary source of water for irrigation to the agricultural fields on the Mānā Plain and enable total cumulative diversions to be reduced. These details are necessary to ensure compliance with the Watershed Agreement and Follow-Up Agreement and to examine and disclose the cumulative impacts of all diversions of the Waimea River system.

Most troubling, however, is the assertion in the DEA that the “Phase Two IIFS was established and approved on the Kōke’e Ditch Irrigation System for the Proposed Action and associated diversion and ditch operations, and *with the understanding that the Kekaha Ditch Irrigation System would be operating simultaneously for both irrigation and hydroelectric purposes.*” (DEA at 5-166; emphasis added.) This conflicts with the Watershed Agreement, which provides that the Waiawa power plant on the Kekaha Ditch “must be either decommissioned or repowered to operate using such waters as are reasonably related to agricultural (as opposed to energy) uses,” and that the Phase II IIFSs would be readjusted to account for the additional diversions if the KIUC project moved forward. (DEA, Appendix A at 10, 8.) The intent of the Watershed Agreement, as reaffirmed by the Follow-Up Agreement and confirmed by KIUC’s own representations about the purpose of the proposed project, is that the proposed Kōke’e diversions would supply irrigation to the Mānā Plain so that diversions from the Kekaha Ditch would be minimized. Additionally, water should be diverted only insofar as it is needed for agricultural end uses, and not just energy production. (DEA, Appendix A at 10.)

In any event, if KIUC believes that both the Kōke’e and Kekaha Ditches should be allowed to continue to divert flows for both irrigation and hydroelectric purposes, then all the more the DEA must disclose and analyze the cumulative impacts of those double diversions, including the impacts on the river ecosystem and the pollution impacts of dumping excess flows. The DEA does not even mention the existing Kekaha Ditch diversions and KAA’s

associated agricultural and hydropower uses, nor does it disclose the proposed interactions between those diversions and uses and the WKEP. Instead, the response to questions raised during KIUC's public outreach misleadingly claims that the Waiawa power plant is "not part of this project and [has] no relationship." (DEA, Appendix P PDF at 771.) Similarly, the DEA maintains that the majority of the stream habitat in the watershed is downstream of the Waiahulu diversion on the Kekaha Ditch side, which it maintains is "not within the Project area." (DEA at 5-70.) This ignores the recognized and understood interrelationship between the proposed project's diversions through the Kōke'e Ditch and additional diversions through the Kekaha Ditch *on the same river* and contradicts HEPA's requirement to analyze the cumulative impacts of diversions by both ditch systems.

G. The DEA fails to address the potential for climate change to affect the availability of stream flow necessary to operate the proposed WKEP.

The DEA acknowledges that changes due to climate change are already affecting Hawai'i through, among other factors, changing rainfall patterns and decreasing stream flows. (DEA at 5-161.) The DEA further recognizes that there would be "economic impacts resulting from a downward trend in stream flow since total volume of water that is available for diversion directly correlates to the amount of energy produced by the hydroelectric facility." (DEA at 5-164.) Apart from this general passing statement, the DEA offers no analysis regarding the impacts, such as the relationship between decreases in flows and resulting decreases in economic and energy benefits, and any actions or contingencies to mitigate these impacts. An analysis of economic impacts is an expressly included part of the environmental review process. HAR §§ 11-200.1- 18(d)(7), 11-200.1-2. Given KIUC's representation that a decrease in stream flow available for diversion would directly impact the economic benefits to KIUC ratepayers, accounting for different streamflow scenarios is crucial to understanding and reviewing the overall economic impacts of the proposed project. Proper disclosure is necessary to inform the public and decision-makers of the proposed project's true, long-term economic feasibility and efficiency and impacts to KIUC ratepayers.

H. The DEA's *Ka Pa'akai* analysis is inadequate.

In *Ka Pa'akai o ka 'Āina v. Land Use Commission*, the Hawai'i Supreme Court articulated a three-part analytical framework that state agencies must apply when making a decision with potential impacts on Native Hawaiian traditional and customary practices. 94 Hawai'i 31, 7 P.3d 1068 (2000). The *Ka Pa'akai* analysis requires state agencies, at a minimum, to make specific finding and conclusions as to the following:

- (1) The identity and scope of valued cultural, historical, or natural resources in the petition area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the petition area;

- (2) The extent to which those resources – including traditional and customary Native Hawaiian rights – will be affected or impaired by the proposed action; and
- (3) The feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian rights if they are found to exist.

94 Hawai'i at 47, 7 P.3d at 1084.

The DEA acknowledges that “[t]he community consultation process for this Project area has identified the importance of water to those residents of Hawaiian Home Lands and the Waimea Ahupua’a.” (DEA at 5-86.) Moreover, the DEA recognizes that “[t]he traditional and cultural practices of the Waimea Ahupua’a in the past, present, and future *all depend on the need for continued water sources.*” (DEA at 5-86; emphasis added.) However, despite the central importance of water on traditional and cultural practices, the DEA concludes that the proposed project, which seeks to divert a rolling average of 11 MGD from the Waimea River watershed for 65 years, “would not have any adverse effect on traditional and customary Native Hawaiian rights within the Waimea ahupua’a.” (DEA at 5-89.)

In reaching this conclusion, the DEA indicates that “information on the potential impacts to ongoing traditional cultural practices and traditional cultural resources related to the project area were gathered based on the data collected during the community consultation process and *kama’āina* interviews.” (DEA Appendix I at 124.) During this process, five individuals representing various organizations contributed their mana’o.⁹ None of PWO’s leadership or members were contacted or consulted during this process, despite PWO’s long standing participation in proceedings related to the WKEP and their memberships’ reliance on Waimea River flows for a host of public trust purposes including, but not limited to, fishing and gathering, kalo farming, recreation, research and education, aesthetic enjoyment, spiritual practices, and the exercise of Native Hawaiian cultural rights and values. The failure to ensure proper consultation precludes a sufficient assessment of the identification and scope of traditional and customary Native Hawaiian rights exercised in the petition area, as well as the extent to which those rights will be affected or impaired by the proposed WKEP.

Moreover, during the consultation process, the impact of water diversion within the vicinity of the project area as well as the entire ahupua’a was identified as “a major concern of impacts to the continued life source and sustainability to all ongoing cultural practices, traditional cultural rights and traditional cultural resources.” (DEA at 5-90.) Although numerous traditional and cultural practices were identified within the project area, such as

⁹ While the DEA states that a total of eight individuals and organizations participated in this process, the Cultural Impact Assessment provides summaries of the interviews of only five individuals. *Compare* DEA at 5-86 with Appendix I at 98-122.

traditional cultivation of lo'i kalo, caring for water and their ecosystems, mālama 'āina, aloha 'āina, fishing, and gathering of natural resources, the DEA summarily concluded that only one traditional and cultural practice – the traditional and cultural practice of mālama 'āina within a native forest located on a small pu'u – would be affected by the proposed project activities. (DEA Appendix I at 124-25.) This summary conclusion fails to take into account the traditional and cultural practices that would be impaired by the long-term diversion of 11 MGD from the Waimea River watershed, let alone address any feasible action to be taken to reasonably protect these Native Hawaiian rights. In sum, the DEA's *Ka Pa'akai* analysis fails to properly analyze potential impacts on Native Hawaiian traditional and customary practices.

I. The DEA should fully address impacts related to greenhouse gas emissions.

The DEA states that “[o]peration of the Proposed Action would not contribute to global GHG emissions and climate change.” (DEA at 5-164.) Focusing primarily on the construction phase of the proposed project, the DEA's analysis of GHG impacts “was prepared for the first 25 years of the PPA (i.e., for the Solar Term) and not for the additional terms of the Pumped Storage Hydropower and Hydropower-only components of the Project.” (DEA at 5-152.) In its analysis of GHG impacts, the DEA should also address the emerging research and concerns indicating that reservoirs often emit large amounts of methane and carbon dioxide (from submerged vegetation, nutrient inflows, etc.). Studies have found that some reservoirs have GHG emissions equivalent to fossil fuel power plants.¹⁰ The DEA should examine these issues in the context of the proposed project and its rehabilitation and use of the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs and include all such impacts in its overall analysis and proposed mitigation of life-cycle GHG emissions.

J. Conclusion

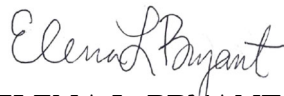
In sum, Pō'ai Wai Ola has serious concerns regarding the second DEA's failure to fully address the short- and long-term direct, secondary, and cumulative impacts of the Proposed Action, as well as alternative approaches and scenarios to project design and operation to comply with the Watershed Agreement and Follow-Up Agreement and minimize impacts. The historic significance of this proposed project and its potential for lasting impacts for decades to come necessitates full and meaningful analysis of the impacts in an EIS, rather than misleading

¹⁰ See Kavya Balaraman, 100+ hydro plants have greater warming impacts than fossil fuels: EDF study, Utility Dive, Nov. 19, 2019, <https://www.utilitydive.com/news/hydropower-emissions-fossil-fuels/567572/>; see also Chris Mooney, Reservoirs are a major source of global greenhouse gases, scientists say, The Washington Post, Sept. 28, 2016, <https://www.washingtonpost.com/news/energy-environment/wp/2016/09/28/scientists-just-found-yet-another-way-that-humans-are-creating-greenhouse-gases/>.

Lauren Yasaka
State of Hawai'i, Department of Land and Natural Resources
October 10, 2022
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claims that the flow diversion impacts of the proposed project are already "existing," or dismissive conclusions that directly interconnected issues and impacts are "not part of the Proposed Action." We look forward to proper disclosure of the proposed project's environmental impacts and proposed alternatives and mitigation measures in future environmental review documents. If you would like to discuss these comments further or have any questions, please feel free to contact me by email at ebryant@earthjustice.org or by telephone at (808) 599-2436.

Sincerely,



ELENA L. BRYANT
EARTHJUSTICE

Attorneys for Pō'ai Wai Ola/West
Kaua'i Watershed Alliance

Attachments Enclosed

cc:

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Jared Chang
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WAIMEA WATER AGREEMENT
FOLLOW UP AGREEMENT

TO: Isaac Moriwake
Po'ai Wai Ola (PWO)

David Bissell
Kauai Island Utility Cooperative (KIUC)

FROM: Robbie Alm

Thank you for giving me the opportunity to talk with all the parties again and to assist in what every single one of you has said they want; the continued implementation of the Waimea Water Agreement (WWA).

Between the two of you, there are at least three and maybe four key points of interaction where any serious disagreement could jeopardize the energy portion of the agreement and likely other portions as well, harming not only your own interests but also the interests of others, especially the Department of Hawaiian Home Lands (DHHL).

These points of interaction are:

- a. The appeal of the PUC decision on the PPA
- b. The water lease
- c. The HRS Chapter 343 environmental process
- d. The NPDES process

The goal of working together as proposed below is to resolve or remove any barriers between you and to permit you to work together for the betterment of Kauai, and specifically, for the waters of Waimea.

UNDERSTANDINGS, COMMITMENTS AND AGREEMENTS OF THE PARTIES

Gaging

KIUC needs to continue to vigorously pursue the full gaging called for in the WWA until those gages are permitted, installed and operational.

Such gaging is necessary to provide critical information, including the actual availability of water for the integrated use by Energy Project and agricultural end uses.

In the meantime, interim gages can be installed, according to Ayron Strauch of CWRM, that he believes will provide critical information on the water flows in the Koke'e Ditch area.

He is willing, with financial or in-kind support as needed, to install and maintain those interim gages.

Coordination and Integration of All Water Uses

The coordination and integration of all water uses, energy uses, and agricultural uses is critical so as to maximize the beneficial use of these waters; to minimize any "waste" of waters particularly if there is no agriculture or insufficient agriculture to use the water being diverted into the system; to account for fluctuations in agricultural use of the water due to climate change; to minimize any discharge of pollution into the ocean; and to maximize the continuing restoration of as much water as possible into the natural streams.

The goal would be to develop and have all parties adopt a set of operating protocols—essentially creating a 21st-century "konohiki" structure—to protect and restore water resources and control water uses in the area in line with public trust principles.

It may be that this can be done in phases with the first phase governing the waters coming through the Koke'e Ditch system.

Community-Based Opportunities and the KIUC Energy Project

Kalo farming and wetland restoration, if a viable undertaking in the area of the energy project, may provide an opportunity for community-based farming to use the water from the energy project and minimize any potential “waste” of this precious water resource.

Kalo farming, in concert with a possible wetland area use, may provide, among other potential benefits, a settlement area, thus reducing the discharge of materials into the nearby ocean waters.

Working Group

The creation of a working group that will meet on a regular basis to look at how the system(s) is/are functioning; to look at problems and possible solutions as they arise; and to build relationships of respect and trust.

Infrastructure Funding

An understanding or agreement that the parties will look for and support assistance in the form of funding or in-kind contribution for the development and improvement of infrastructure in and around the water systems such as piping in the ditch to reduce losses, and support for the energy project that might reduce the costs or uncertainties of this energy project and enhance its community benefits.

Phase One:

KIUC agrees to immediately fund and otherwise support as needed the interim gaging solution to be implemented by Ayron Strauch of CWRM, while still pursuing vigorously the long-term gauging as well, providing regular reports to PWO on its progress.

KIUC, as a first step, will support kalo and/or other community-based food production by fully paying to KAA/ADC the lease costs for up to 70 acres of land for five years anywhere on the Mana Plain, to be leased and farmed by community members or groups designated by PWO. The land can be used for any food crop (preferably kalo) approved by PWO (or their designees). The goal of this initial five-year commitment is to demonstrate the energy project's commitment to the community and to agriculture. The parties understand and agree that PWO has not requested this offer from KIUC, but rather KIUC is offering this initial commitment as a gesture of goodwill and support for community-based agriculture in West Kaua'i. Any lease funded in the first five-year phase shall receive funding for the full five-year period even if the project goes into operation and there is an overlap with the funding requirements for acreage in the project area.

In developing the operating protocols for the project, KIUC and PWO will work together to explore and conduct due diligence on whether a "community agricultural park" in the project area offers a viable and beneficial solution to match any water flowing through the project with agricultural end uses. As a working concept, this potential solution would involve KIUC paying the lease rent on a sufficient area of land to ensure agricultural end uses match the project's water flows. This commitment to fund the lease(s) for this acreage would continue for the term of the water lease received from the State.

In this phase, preference would be given for wetland taro cultivation by West Kaua'i community members and groups. If there is not sufficient water from the energy project to support wetland taro cultivation, or if there is insufficient wetland taro cultivation to use the project's water, the land may be cultivated in other crops, so long as it is for food production, with a preference for dryland taro or organic food crop cultivation by West Kaua'i community members and groups. The details for implementing the lease(s) and agricultural production will be developed in the operating protocols in Phase 2, based on the due diligence investigations.

KIUC agrees to work with PWO to conduct the necessary due diligence on the feasibility of a potential community ag park, including but not limited to ensuring that soil studies are immediately done of the contemplated community ag park

lands to make certain that kalo can safely be grown there. If there is available funding for these studies, it will be sought by PWO and KIUC. If not, KIUC will commission the soil studies.

KIUC within seven days of the execution of this agreement will send PWO a letter confirming their funding commitment for the initial five-year lease costs for up to 70 acres of land and their agreement with the other commitments and understandings in this document.

If (1) the letter of commitment as set forth above is received by PWO, and (2) KIUC/AES states in writing that to the extent they proceed with spending substantial funds for the project before the Chapter 343 process is complete, they will not cite the money they have expended on the project to any agency as justification for the granting of an approval for the project during the Chapter 343 EA/EIS process: PWO agrees to withdraw its appeal of the PUC decision within seven days. The withdrawal of the appeal is for the purposes of this agreement and will not constitute any admission as to the issues in the appeal.

Phase Two:

The discussions to develop the operating protocols will begin immediately.

The foundations for these discussions are the following:

PWO and KIUC are to develop a set of operating protocols for the use of the waters of the Koke'e Ditch which, among other things, will ensure that the water is matched by agricultural or other end uses acceptable to both parties; and specifically:

1. The pumped storage portion of the project is fully supported by all parties.
2. DHHL's homestead-related uses of water up to 6.9 mgd is fully protected by the WWA and will not be disrupted by these protocols.

3. The goal is to have the use of the water by the non-pumped storage portion of the project be matched by DHHL uses, and other agricultural or other mutually acceptable end uses of water on a 1:1 basis.
4. In line with the 1:1 use goal, the protocols should minimize reliance on the Kekaha Ditch waters, minimize operational losses in the ditch systems, maximize continuing restoration of instream flows, and avoid waste generally.
5. Reasonable safeguards need to be in place to ensure that circumstances beyond the control of KIUC that impact water use are taken into account.

PWO and KIUC (and DHHL if they choose to join) will establish an interim working group to oversee and work out any issues that arise in the development of the energy project and in the development of agriculture in the west side of the Mana Plain.

As soon as possible, that Interim PWO/KIUC working group will transition to a broader discussion with the WWA Working Group.

PWO and KIUC (with DHHL if they join) will continue to work together to coordinate the development of the operating protocols for KIUC's project with KAA/ADC's operation of the Kekaha Ditch system. In particular, KIUC will work with PWO to secure the greatest possible use of the energy project waters to support any and all agricultural uses on the Mana Plain to minimize reliance on the Kekaha Ditch waters. CWRM's involvement may also be requested as part of this effort to ensure the coordination of Koke'e and Kekaha Ditch flows as contemplated in the WWA.

All parties will then work together to integrate the operating protocols for the Koke'e and Kekaha Ditches into a single set for the Waimea waters, as contemplated in and consistent with the WWA.

PWO and KIUC will support on an ongoing basis any possible governmental or private funding that would add important infrastructure to the systems and

provide financial support to reduce the costs of the project itself and enhance its community benefits.

If the operating protocols are developed, accepted, and implemented by PWO and KIUC for the Koke'e waters, the operating protocols (including terms and conditions for the duration and operation of the lease) will be incorporated into the water lease application and into the lease itself.

On the HRS Chapter 343 environmental process, PWO will continue to seek an EIS. While PWO believes that an EIS should be commenced by KIUC/AES without delay, KIUC/AES may opt for another course at their own volition and risk, in which case PWO would be willing to let the process run its course and consider whether the process and final accepted Chapter 343 document sufficiently fulfills the purposes of Chapter 343, giving full consideration to any agreements and understandings that may be reached on the operating protocols, community benefits, and any other factors weighing on the impacts and benefits of the project.

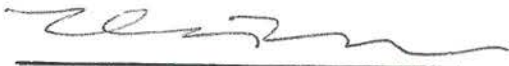
Phase Three

With the cooperation of all parties, and especially of KIUC and PWO, create or enhance a wetland and/or discharge retention area after the kalo area, the goal of which will be to avoid discharges into the ocean, the implementation of best management practices toward this end, and providing environmental and cultural benefits.

Waimea Water Agreement (WWA)

Nothing in this agreement is intended to operate in conflict with the WWA or in any way to substitute for or diminish the commitments and undertakings in that agreement. These commitments and undertakings will be incorporated into the protocols to the greatest degree possible.

BY SIGNING BELOW, THE PARTIES COMMITMENT THEMSELVES TO BE LEGALLY
AND CONTRACTURALLY BOUND BY THE UNDERSTANDINGS, COMMITMENTS
AND OBLIGATIONS SET FORTH ABOVE:



Isaac Moriwake, Esq. on behalf of
Po'ai Wao Ola (PWO)



David Bissell, CEO
Kauai Island Utility Cooperative (KIUC)

Signed July 26, 2022



September 22, 2021

Via Electronic Mail

Ian Hirokawa
State of Hawai'i, Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813
ian.c.hirokawa@hawaii.gov

Re: West Kaua'i Energy Project – Draft Environmental Assessment

Dear Mr. Hirokawa:

Earthjustice submits these comments on behalf of Pō'ai Wai Ola/West Kaua'i Watershed Alliance ("PWO"), in response to the August 23, 2021 solicitation for public comment on the West Kaua'i Energy Project ("WKEP") Draft Environmental Assessment ("DEA"). PWO is a community-based organization rooted in West Kaua'i and is dedicated to managing and conserving water resources for present and future generations, and protecting the long-term sustainability and health of the entire Waimea River system from its mauka headwaters to makai nearshore marine areas.

PWO has engaged in related legal processes directly bearing on the proposed WKEP project for the better part of a decade. PWO has participated in proceedings before the state Commission on Water Resource Management ("CWRM") regarding the protection and restoration of instream flows in the Waimea River system and management and oversight of diversions for offstream uses, including commercial agriculture and hydropower. In July 2013, PWO brought a petition to restore streamflow that resulted in a Mediation Agreement for the Waimea Watershed Area ("Watershed Agreement") and CWRM order increasing the interim instream flow standards ("IIFS") for Waimea River and providing an opportunity for the Kaua'i Island Utility Cooperative ("KIUC") to pursue due diligence of the proposed project. In January 2021, PWO also petitioned the Public Utilities Commission to intervene in proceedings related to the proposed WKEP and was granted participant status in the docket.

As KIUC pursued its due diligence, PWO members participated in early consultation for the ongoing environmental review process for the proposed WKEP. PWO has been watching the development and disclosure of the details of the project with growing concern. Having now reviewed the DEA in its entirety, PWO submits these comments to raise various questions and concerns related to the proposed project that must be addressed to ensure that the project fully realizes its "win-win-win" promise, centered first on the West Kaua'i community that would be hosting the project. PWO has raised many of these questions and concerns from an early stage,

starting more than a year ago during the early consultation phase for the DEA, yet these issues still remain unaddressed or ignored in the current document.

- A. There is no question that the proposed WKEP may have a significant impact on the environment, thus necessitating full environmental review and the preparation of an Environmental Impact Statement.

Pursuant to Hawai'i Administrative Rules ("HAR") Chapter 11-200.1, "[i]n considering the significance of potential environmental effects, agencies shall consider and evaluate the sum of effects of the proposed action on the quality of the environment." *Id.* § 11-200.1-13(a). Moreover, "an action shall be determined to have a significant effect on the environment **if it may**," among other factors, "[i]rrevocably commit a natural, cultural, or historic resource," "[c]urtail the range of beneficial uses of the environment,"¹ or "[h]ave a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a[n] . . . estuary, fresh water, or coastal waters. *Id.* § 11-200.1-13(b) (emphasis added). Water diversion is an integral part of the proposed WKEP, and KIUC will seek a long-term (65-year) lease to divert a variable flow equivalent to a multi-year rolling average of 11 million gallons of water per day ("mgd") from the Waiakōali, Kawaikōi, Kaua'īkinanā, and Kōke'e Streams. (DEA at 15, 17.) This equates to 4 billion gallons of water annually, and nearly 1.5 trillion gallons of water over the course of the proposed 65-year water lease term.² These proposed diversions represent a significant commitment of stream flows, which will be removed from its watershed of origin, conveyed through the project, and ultimately directed to the Mānā Plain for irrigation and/or disposed as pollutant discharges through the Mānā drainage system and into the ocean.

As further explained below, KIUC completely overlooks the significant impacts from the long-term commitment of 11 mgd from the Waimea River, the discharge of up to 26 mgd of excess water along the shoreline, and potential double diversions of the Waimea River via both the Kōke'e and Kekaha ditch systems. There is no question that a project of such historic scale and complexity as the proposed WKEP, which will outlast most of our lifetimes, not only "may," but will, have a significant impact on the environment and should therefore be required to undergo full environmental review and the preparation of a full environmental impact statement ("EIS"). Allowing the project to evade full environmental review and the preparation of an EIS is not only legally mistaken, but also sets a bad precedent and sends the wrong

¹ "Environment" is defined under HAR § 11-200.1-2 as "humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including . . . water."

² For perspective, 11 million gallons of water per day is more than the instream flow standards for both Waihe'e and Wailuku Rivers in Nā Wai 'Ehā on Maui, which are the two largest rivers on that island.

message for this and other communities being asked to host such major renewable energy projects.³

B. The DEA fails to identify the proper baseline for analysis of impacts to the Waimea River and stream habitat.

The DEA acknowledges that “[t]he community consultation process for this project area has identified the importance of water to those residents of Hawaiian Home Lands and the Waimea Ahupua’a.” (DEA at 110.) Moreover, “[t]he traditional and cultural practices of the Waimea Ahupua’a in the past, present, and future all depend on the need for continued water sources.” (DEA at 110; emphasis added.) While PWO supports the elimination of the use of 8.5 million gallons of fossil fuel annually (DEA at 11), the environmental and cultural costs of expending 4 billion gallons of river water for this purpose must be fully addressed in this environmental review process.

The DEA uses a baseline for assessing potential impacts on water resources that “takes into account that the Kōke’e Ditch Irrigation System is an existing diversion system that has been in place and operational since the early 1900’s.” (DEA at 79.) According to the DEA, “[t]his EA is not intended to address pre-diversion status and condition of the associated streams and the Waimea River watershed For the purpose of this EA, the analysis of potential impacts is based on the current condition and uses within the Waimea River watershed and the surrounding environment.” (DEA at 79; emphasis added.) This focus on the “existing” diversions and “pre-diversion” conditions ignores that, currently, stream flows are (or should be) almost fully restored because little or no offstream uses exist, and the Watershed Agreement requires that stream flows be restored to the maximum extent possible, and that any unused water remain in the stream to prevent unlawful waste. (DEA, Appendix A at 2, 6.) This restored condition would continue in the absence of the scale of diversions proposed for the WKEP. The DEA ignores this current condition and the impacts of renewing large-scale diversions and precluding a long-term restoration and revival of the stream ecosystems. Proper environmental review must analyze the impacts of the proposed 11 mgd diversion in relation to a no diversion baseline, or at the very least, in comparison to current flow conditions restored under the Watershed Agreement and the expected benefits from this almost full restoration of flows.

C. The DEA fails to address impacts to native stream life.

The DEA also fails to address impacts to native stream life such as the ‘o’opu, ‘ōpae, and hihiwai. Instead, the DEA maintains that the proposed WKEP’s water diversions would improve conditions over historical (i.e., plantation-era) diversion levels since it will leave more water in the stream than historically allowed. For the reasons discussed above, comparing the

³ In January 2019, KIUC issued a draft EIS preparation notice, but it subsequently opted to proceed with the preparation of an EA. (DEA, Appendix J PDF at 942, 953.)

proposed project's impacts to historical diversions, which destroyed habitat for native stream life by fully diverting streams and leaving streambeds bone dry, is not the appropriate comparison for analyzing the project's impacts to stream life today. Such an analysis ignores the impacts from the long-term removal of 11 mgd on instream uses and values, including ecosystem health and Native Hawaiian rights. It also is inconsistent with the recognition elsewhere in the DEA, under the "no-action alternative" analysis, that if the Kōke'e Ditch Irrigation System were to be closed and diversion structures removed such that all flow would be retained in the stream "there would be beneficial impacts to other native and invasive stream biota downstream of the diversions." (DEA at 105.)

D. The DEA improperly relies on the Watershed Agreement's IIFS for its finding of no significant impact.

The DEA relies on the Watershed Agreement to justify its proposed finding of no significant impact, suggesting in effect that the Watershed Agreement disposes of the need to conduct proper analysis of the impacts of flow diversions. According to the DEA, the proposed WKEP's "implementation of the Phase Two IIFS would minimize impacts to diverted streams by maintaining flow volumes in stream channels that have been determined by CWRM sufficient to meet the instream needs including those of aquatic habitat and stream biota." (DEA at 82.) The DEA further claims that the Phase Two IIFS "has been set by CWRM and deemed sufficient to meet the instream needs including stream biota and habitat" and "would improve habitat suitability." (DEA at 144, 104.) These assertions misstate the intent and effect of the Watershed Agreement.

In setting the IIFS for the Waimea River streams and tributaries, CWRM did not do any analysis or make any findings that the IIFS in the Watershed Agreement were sufficient to meet instream needs. Instead, it was understood by the parties to the Watershed Agreement that KIUC was to do its due diligence to ensure that the proposed project was environmentally and economically advisable and feasible. A guiding principle of the Watershed Agreement provides that "[a]ny diversion of water from a stream must be justified with no more water taken than is needed for other beneficial uses, and even then, the health of the stream must be preserved at all times." (DEA, Appendix A at 2; emphasis added.) In order to allow KIUC to move forward with the project, certain understandings and agreements were made to allow KIUC the ability to perform its due diligence, including biological due diligence, on the project. (DEA, Appendix A at 4.) The Watershed Agreement also includes as an operating protocol that "[c]ontrolled releases and biological studies will be part of any protocol to help determine the best ongoing uses of water." (DEA, Appendix A at 10.) In sum, the Watershed Agreement was never intended to serve as a finding that the proposed IIFSs and 11 mgd of offstream diversions were sufficient to meet instream needs, or a substitute for KIUC's responsibility to conduct the actual necessary analysis and disclosure of the impacts in an EIS. The DEA thus cannot simply rely on the Watershed Agreement to justify a finding that the removal of 11 mgd of water from the Waimea River will have no significant impact. Instead, the DEA must independently analyze

impacts to instream uses and values. *See* HAR § 11-200.1-18 (requiring identification and analysis of impacts).

E. The DEA fails to analyze impacts associated with the discharge of diverted flows with no consumptive end use.

A key understanding and principle of the Watershed Agreement is that unused waters must remain in, or be returned to, the Waimea River system. (*See* DEA, Appendix A at 9.) The underlying intent and spirit is that water removed from the streams would be beneficially used for both hydropower generation and agricultural end uses, and not simply diverted for hydropower and then dumped or wasted. The DEA indicates, however, that up to 26 mgd of the water diverted would not only be dumped, but also discharged along the shoreline, where it would contribute to ongoing problems of nearshore ocean water pollution. This raises multiple concerns regarding the proposed WKEP's impact to environmental and cultural resources along the shoreline and nearshore waters.

a. The DEA fails to analyze impacts to the shoreline, nearshore ecosystem, and ocean due to the potential 26 mgd discharge from the proposed WKEP.

The DEA states that “[t]he expected average Project discharge would be between zero and 10 MGD . . . However, the maximum theoretical daily discharge from Mānā outlet into the drain system would be 26 MGD.” (DEA at 27; emphasis added.) This water would exit the Mānā Plain through a shoreline discharge point. (DEA at 27.) The DEA completely ignores, however, the impact that the potential discharge would have on the nearshore ecosystem.

The discharge of up to 26 mgd along the shoreline also conflicts with the Hawai’i’s Coastal Zone Management Program’s objective to protect valuable coastal ecosystems, including reefs, from disruption and to minimize adverse impacts on all coastal ecosystems. Hawai’i Revised Statutes (“HRS”) ch. 205A-2(b)(4). The DEA states “[t]he Proposed Action is not in a coastal area and would have no impacts to marine resources.” (DEA at 176.) The impacts of the proposed WKEP, however, do not stop at only the footprint of the proposed hydroelectric facilities. This myopic view improperly disregards the nearshore water quality impacts of the discharge of up to 26 mgd of excess water through miles of legacy coastal drainage ditches and fails to analyze the impacts of such ongoing and increased pollution through these ditches on coral reefs, endangered species, and other marine resources.

b. The DEA fails to account for pollution impacts from use of the legacy plantation drainage ditches.

The DEA mentions that “[a]ny water not used for irrigation or not pumped back up to Pu’u ‘Ōpae Reservoir would flow into an existing Mānā storm drainage system comprised of a network of earthen ditches totaling 40 miles in length built in the early 1920’s to drain storm water.” (DEA at 26.) Yet, the DEA fails to analyze the pollution impacts from the dumped

water flowing through these plantation-era dirt ditches, picking up sediment, pesticides, heavy metals, and other contaminants along the way, then discharging into the ocean. Indeed, such pollution discharge from these ditches was the subject of a recent federal lawsuit, in which the court ruled the discharge unlawful without a federal Clean Water Act permit.⁴ The DEA indicates that such a permit would be required for stormwater discharge associated with construction activities (DEA at 67, 81, 87), but makes no mention of any permit for the discharge to the shoreline from the operation of the proposed project. The DEA must disclose and analyze these details, including the primary and cumulative impacts of the pollution discharges through the Mānā Plain drainage system, as well as proposed mitigation measures.

c. The DEA fails to account for *actual* agriculture needs and plans, particularly on the Mānā Plain.

The DEA suggests that the current draws along the Kōkeʻe ditch system would meet or exceed the diversion of water that is proposed as part of the WKEP. Specifically, the DEA concludes that “[t]he total quantity of these users['] draws is up to 16.65 MGD, which is more water than the annual average diversion volume [of 11 MGD].” (DEA at 32-33.) The table supporting this conclusion includes the Department of Hawaiian Home Lands’ 6.93 mgd water reservation, as well as 10 mgd to support the Agribusiness Development Corporation’s (“ADC’s”) Makai/Mānā Plain tenants and the Kekaha Agricultural Association (“KAA”) uses. The DEA provides no basis for the 10 mgd projection, which is not supported by any available data. In 2020, for example, agricultural water use on the Mānā Plain averaged 1.3 mgd; so far in 2021, it has averaged 1.8 mgd. This is nowhere near the 10 mgd purportedly allocated to ADC/KAA agricultural needs.

The DEA contains no data or analysis on current water demand, nor does it contain any information and support as to when the expected 16.65 mgd demand would potentially materialize, if ever. KIUC has suggested at times that its kuleana is merely to provide irrigation delivery, regardless of whether any actual agricultural use on the Mānā Plain occurs. To the contrary, ensuring beneficial use of water for actual agricultural needs on the Mānā Plain is a critical and central component of the operation of the proposed WKEP, whose express purpose and justification includes “[i]rrigation delivery to support diversified agriculture on lands adjacent to the Project site . . . and the agricultural fields on the Mānā Plain.” (DEA at 1.) The DEA fails to present any information regarding current and projected actual agricultural need, which is critical to ensure the beneficial end use of the diverted flows, as well as the mitigation of pollution impacts of discharged excess flows. Such information and analysis should include, at minimum, any and all available data on current agricultural needs and future plans, the projections and timeframes for potential agricultural buildout, and the impacts of project operations under different stages or scenarios of actual buildout.

⁴ See *Nā Kiaʻi Kai v. Nakatani*, 401 F. Supp. 3d 1097 (D. Haw. 2019).

F. The DEA fails to analyze the cumulative impacts of diversions from the Waimea River System by the Kōke'e and Kekaha Ditches.

The DEA also fails to analyze the cumulative impacts of diversions from the Waimea River system by both the Kōke'e and Kekaha Ditches, both purportedly for agricultural and energy uses. Environmental review documents are required to identify and analyze all impacts of a proposed action, including cumulative impacts. HAR §§ 11-200.1-18(d)(7), 11-200.1-2. "Cumulative impact" is defined as "the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions." HAR § 11-200.1-2 (emphasis added).

The Watershed Agreement states that "the KIUC project is intended to serve both energy and agricultural uses which will enable the Commission to review the water needs of both systems with the goal of reducing the diversion of water into the Kekaha Ditch system" (DEA, Appendix A at 2), and makes clear that future Kekaha Ditch diversions would depend on how the proposed WKEP's Kōke'e Ditch diversions are fully and effectively integrated into the irrigation delivery system on the Mānā Plain. According to the DEA, "[t]he Proposed Action would connect the Kōke'e Ditch Irrigation System to the Mānā Plain, and through Project related infrastructure could provide the primary source of water for irrigation to the agricultural fields on Mānā Plain now served by the Kekaha Ditch System." (DEA at 80; emphasis added.) The DEA also indicates that "[t]he 60% design for the Proposed Action includes two separate physical locations where the Project would tie directly into the existing and future planned irrigation infrastructure on Mānā Plain. This would allow for reduced diversions in the lower reaches of the Waimea River where native species are prevalent." (DEA at 80.) Beyond these general statements, the DEA fails to disclose and explain how project related infrastructure would integrate with Kekaha Ditch operations and agricultural plans on the Mānā Plain to ensure that the Kōke'e ditch would provide the primary source of water for irrigation to the agricultural fields on the Mānā Plain and enable total cumulative diversions to be reduced. These details are necessary to ensure compliance with the Watershed Agreement and to examine and disclose the cumulative impacts of all diversions of the Waimea River system.

Most troubling, however, is the DEA statement that the "Phase Two IIFS was established and approved on the Kōke'e Ditch Irrigation System for the Proposed Action and associated diversion and ditch operations, and with the understanding that the Kekaha Ditch Irrigation System would be operating simultaneously for both irrigation and hydroelectric purposes." (DEA at 144.) This conflicts with the Watershed Agreement, which provides that the Waiawa power plant on the Kekaha Ditch "must be either decommissioned or repowered to operate using such waters as are reasonably related to agricultural (as opposed to energy) uses." (DEA, Appendix A at 10.) The intent of the Watershed Agreement is that the proposed WKEP Kōke'e diversions would supply irrigation to the Mānā Plain so that diversions from the

Kekaha ditch could be reduced. Additionally, water should be diverted only insofar as it is needed for agriculture, and not just energy production. (DEA, Appendix A at 10.)

In any event, if KIUC believes that both the Kōke'e and Kekaha Ditches should be allowed to continue to divert flows for both irrigation and hydroelectric purposes, then all the more the DEA must disclose and analyze the cumulative impacts of those double diversions, including the impacts on the river ecosystem and the pollution impacts of dumping excess flows. The DEA does not even mention the existing Kekaha Ditch diversion and KAA's associated agricultural and hydropower uses, nor does it disclose the proposed interactions between those diversions and uses and the WKEP. Instead, the response to questions raised during KIUC's public outreach misleadingly claims that the Waiawa power plant is "not part of this project and [has] no relationship." (DEA, Appendix J PDF at 940.) Similarly, the DEA maintains that the majority of the stream habitat in the watershed is downstream of the Waiahulu diversion on the Kekaha Ditch side, which it maintains is "not within the Project area." (DEA at 105.) This ignores the recognized and understood interrelationship between the proposed project's diversions through the Kōke'e Ditch and additional diversions through the Kekaha Ditch and contradicts HRS chapter 343's requirement to analyze the cumulative impacts of diversions by both ditch systems.

G. The DEA fails to analyze the economic feasibility of the proposed WKEP if stated timelines are not met.

Proponents of the WKEP have stressed the need for prompt review, approvals, and permitting in order to optimize the use of federal tax credits, which are necessary to the economic feasibility of the proposed WKEP and decrease over time. In order to meet federal tax credit deadlines, the DEA sets forth the following project schedule:

It is expected that the HRS Chapter 343 process will be completed by the end of 2021.

Upon completion of the HRS Chapter 343 process, permits would be obtained . . .

Construction of the Proposed Action is expected to begin upon completion of all necessary and required permits and approvals, which is estimated to be in 2022 or the first quarter of 2023 and be completed by 2024 or mid-2025.

(DEA at 66.) The DEA lists at least 17 federal, state, and county permits or approvals that may be required for the proposed project and include, in part, a long-term water lease, a conservation district use permit, and historic preservation review. (DEA at 67-68.) The DEA fails to discuss how potential delays in permitting and approvals may affect federal tax credit eligibility and how, in turn, that will affect the economic feasibility and net benefits of the project.

KIUC has already experienced significant delays in acquiring the permitting and approvals needed to meet its obligations under Phase One of the Watershed Agreement. Four years after the Watershed Agreement went into effect, KIUC is still not in compliance with

gauging and monitoring requirements due to delays in permitting and approvals. An analysis of economic impacts is an included part of the environmental review process. HAR §§ 11-200.1-18(d)(7), 11-200.1-2. Given KIUC's representation that significant delays in approvals and permitting could affect the timing of the project and the availability of tax credits, accounting for delays is crucial to understanding and reviewing the overall economic impacts of the project.

H. The DEA fails to address the potential for climate change to affect the availability of streamflow necessary to operate the proposed WKEP.

The DEA acknowledges that changes due to climate change are already affecting Hawai'i through, among other factors, changing rainfall patterns and decreasing stream flows. (DEA at 139.) The DEA further recognizes that there would be "economic impacts resulting from a downward trend in streamflow since total volume of water that is available for diversion directly correlates to the amount of energy produced by the hydroelectric facility." (DEA at 143.) Apart from this general passing statement, the DEA offers no analysis regarding the impacts, such as the relationship between decreases in flows and resulting decreases in economic benefits, and any actions or contingencies to mitigate these impacts. Such disclosure is critical to understanding the proposed project's true, long-term economic feasibility and impacts to KIUC ratepayers.

I. The DEA should fully address impacts related to greenhouse gas emissions.

The DEA states that operation of the proposed WKEP would not contribute to global greenhouse gas emissions ("GHG") and climate change. (DEA at 142.) In its analysis of GHG impacts, the DEA should also address the emerging research and concerns indicating that reservoirs often emit large amounts of methane and carbon dioxide (from submerged vegetation, nutrient inflows, etc.). Studies have found that some reservoirs have GHG emissions equivalent to fossil fuel power plants.⁵ The DEA should examine these issues in the context of the proposed project and its rehabilitation and use of the Pu'u Lua, Pu'u 'Ōpae, and Mānā Reservoirs and include all such impacts in its overall analysis and proposed mitigation of life-cycle GHG emissions.

⁵ See Kavya Balaraman, 100+ hydro plants have greater warming impacts than fossil fuels: EDF study, Utility Dive, Nov. 19, 2019, <https://www.utilitydive.com/news/hydropower-emissions-fossil-fuels/567572/>; see also Chris Mooney, Reservoirs are a major source of global greenhouse gases, scientists say, The Washington Post, Sept. 28, 2016, <https://www.washingtonpost.com/news/energy-environment/wp/2016/09/28/scientists-just-found-yet-another-way-that-humans-are-creating-greenhouse-gases/>.

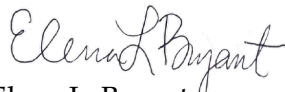
J. The DEA fails to address the end-of-life-cycle disposition for the project.

The DEA states that “[a]t the end of the project life, the project’s lands and water would be available to continue as an energy and/or irrigation project for other purposes as appropriate.” (DEA at 183.) This general statement offers no insight into the end-of-life-cycle disposition of the project components, either during or after the proposed 65-year lease term of the project. The DEA should include plans for such disposal, recycling, clean up, and/or restoration of the project site and components, and the associated impacts.

Conclusion

In sum, Pō’ai Wai Ola has serious concerns regarding the DEA’s failure to fully address the short- and long-term direct and cumulative impacts of the Proposed Action. The historic significance of this project and its potential for lasting impacts for decades to come necessitates full and meaningful analysis of impacts in an EIS, rather than misleading claims that the flow diversion impacts of the proposed project are already “existing,” or dismissive conclusions that directly interconnected issues or concerns are “not part of the project.” We look forward to proper disclosure of the project’s environmental impacts and proposed mitigation measures in future environmental review documents. In light of the expressed urgency in the proposed project timetable, we also continue to recommend that KIUC proceed directly to preparing a full EIS to minimize delays. If you would like to discuss these comments further or have any questions, please feel free to contact me by email at ebryant@earthjustice.org or by telephone at (808) 599-2436.

Sincerely,



Elena L. Bryant
EARTHJUSTICE

Attorneys for Pō’ai Wai Ola/West Kaua’i Watershed
Alliance

cc: Kaua’i Island Utility Cooperative
5362 Kumole Street
Kapa’a, Hawai’i 96746
Attn: Dawn Huff
dhuff@joulegroup.com

SSFM International
99 Aupuni Street, Suite 202
Hilo, Hawai’i 96720
Attn: Jennifer Scheffel
jscheffel@ssfm.com

Comment No. 9



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP EA

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Mon, Oct 10, 2022 at 9:29 AM

From: JAANA2@hawaii.rr.com <JAANA2@hawaii.rr.com>
Sent: Monday, October 10, 2022 7:20 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] WKEP EA

Aloha Ms. Yasaka,

I am asking that a full Environmental Impact Statement be required for the KIUC/AES WKEP project. The Environmental Assessment is insufficient and raises more questions than answers about how this project will affect the historical, legendary Pu'u 'Opae watershed, the future health of Waimea River, and the quality of life for Waimea residents.

As a founding member of Po'ai Wai Ola, we have asked KIUC to start a EIS for this project since 2017, due to the project's huge magnitude and construction footprint and impacts on the Waimea river. KIUC has refused to listen to it's own shareholders' concerns and arrogantly decided that the EA is all that's needed.

ENVIRONMENTAL IMPACTS to the whole Kona district of Kauai will definitely happen, so an ENVIRONMENTAL ASSESSMENT is not enough.

Please help the Kauai residents hold Kiuc to Hana i ka Mea Pono-Do the right thing.

Mahalo,

Jim Kauluwehi Aana
Waimea, Kauai



Comment No. 10

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 4:42 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

From: John Aana <john.aana@gmail.com>**Sent:** Monday, October 10, 2022 4:42 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP

I am a long time resident and taro farmer on the westside of Kauai. I strongly support requiring KIUC to do an EIS. A project of this magnitude requires an EIS to be done. The community needs to know if this project will benefit us or not.

Mahalo,

John K. Aana

Comment No. 11



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:26 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Dustin & Maile Alfiler <dalfiler@twc.com>**Sent:** Sunday, October 9, 2022 7:04 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP revised draft environmental assessment

Aloha e Lauren,

I am writing in support of the WKEP project and I believe the revised DEA is a comprehensive analysis and the FONSI is well supported. As a granddaughter of a pineapple farmer and sugar cane plantation worker and as a native Hawaiian, I understand the importance of our land and water to our livelihood. The water and streams from which it flows is our most important resource and moving forward with this project will revitalize our ditches and irrigations system and will allow for more diversified agriculture for years to come. The project will create more job opportunities and serve as a educational facility for our keiki.

In closing, I feel WKEP is a beneficial project for our Kaua'i Community and I would like to see it move forward.

Mahalo,

Maile Alfiler



Comment No. 12

Admin Joule <admin@joulegroup.com>

West Side Kaua'i Energy Project

Jo Amsterdam <joamsterdam@hotmail.com>

Mon, Oct 10, 2022 at 4:12 PM

To: "lauren.e.yasaka@hawaii.gov" <lauren.e.yasaka@hawaii.gov>, "admin@joulegroup.com" <admin@joulegroup.com>, "jchang@ssfm.com" <jchang@ssfm.com>, Bridget Hammerquist <bridgethammerquist@hawaiiantel.net>, "joamsterdam1950@icloud" <joamsterdam1950@icloud>

Aloha Ms. Yasaka, Ms. Huff and Mr. Chang

Mahalo for this opportunity to give my observations about this project. First I ask if anyone else has noticed we are in a drought. I live in Kalaheo where it has not rained much for many a month. This has been happening for years but this year is extra dry. Climate change has been left out of the calculations it seems. I have worked in the loi in Waimea and know we need more fresh flow. The life-giving Wai comes from the Kokee watershed, and we need more now, for food production. 23 million gallons a day sounds like a whole lot of wet Kalo fields, to me. Let's reconsider. It has been suggested that using sea water in a closed system would be another way. Surely, we can do better than this.

Mahalo for your consideration, sincerely Jo Amsterdam ~~ Kalaheo



Comment No. 13

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS for West Kaua'i energy project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:14 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Karen Anderson <soulspace@cot.net>**Sent:** Friday, October 7, 2022 3:49 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Cc:** barry Martin Snyder <barrymartin@cot.net>**Subject:** [EXTERNAL] EIS for West Kaua'i energy project

Dear Ms. Yasaka,

Please do all you can to insist that an EIS be done to evaluate the effects of this proposed project. Out of the many deleterious impacts, the fact that the facility would use **11 million gallons of water** from the Waimea River EACH DAY sounds totally inappropriate and damaging to the ecosystem of beautiful Kaua'i.

Once a place has been ruined, it cannot be restored. Please use your position for the good of Kaua'i and our imperiled planet.

Thank you,
Karen Anderson

"There is no act too small, no act too bold. The history of social change is the history of millions of actions, small and large, coming together at points in history and creating a power that governments cannot suppress." ~~ Howard Zinn, historian and author

Karen Anderson
LuminousSelf.com



Comment No. 14

Dawn Huff <dhuff@joulegroup.com>

Fw: WKEP EA draft comments

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:48 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Sean.Andrade@Ferguson.com <Sean.Andrade@Ferguson.com>**Sent:** Monday, October 10, 2022 3:43 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Cc:** barnonebenny@gmail.com <barnonebenny@gmail.com>; tia.koerte@kekulaniihau.org <tia.koerte@kekulaniihau.org>; jiminakaahiki@hawaii.rr.com <jiminakaahiki@hawaii.rr.com>; arashiroak@gmail.com <arashiroak@gmail.com>**Subject:** [EXTERNAL] WKEP EA draft comments

Aloha Lauren,

Please see the attached letter as comments towards the KIUC WKEP EA draft

Mahalo nui 🍷

Sean Andrade**Branch Manager, Kauai 3117****Facilities Area Sales Manager, Hawaii 3014****Ferguson Enterprises – Hawaii**

3116-M Hoolako St Lihue HI 96766

T: (808) 245-6991 F: (808) 245-6993 C: (808) 212-7202

E: sean.andrade@ferguson.com**20221010165528382.pdf**

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KEKAHA HAWAIIAN HOMESTEAD ASSOCIATION

KHHA is a non-profit 501(c) 3 corporation formed under laws of the State of Hawai'i.
PO Box 1292 Kekaha, HI 96752



Oct 10, 2022

SUBJECT: Public Comment: KIUC WKEP (EIS Required)

Email: lauren.e.yasaka@hawaii.gov

Aloha Ms. Yasaka,

I am writing to on behalf of Kekaha Hawaiian Homestead Association (KHHA), Puu Opae Farm and Irrigation Project (POFIP) Committee to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published still raises questions and concerns.

This project will have a huge impact on the future of our keiki and Kona Moku. It is only right that we take all necessary steps available to us in ensuring everything is pono with thorough analysis. We want to also ensure that the WKEP proposal project does not cause more harm than good to our overall environment for decades to come.

Here are a few comments and questions that I have on the KIUC WKEP.

What is the projected method that KIUC and AES is using to supply a constant water flow to KHHA POFIP during construction?

With the construction to the hydro project being 2 years, what will the projected method be in supplying our project with water daily? We are currently utilizing approximately 100,000 gallons a day in our farming project. It is important that we receive our current 100,000 gallons of water a day during the full construction of the project, as we have incorporated fish to fertilize our taro. Water flow is critical to the survival of our tilapia as it helps to aerate the water in their ponds to survive. We also plan to expand our farming and more water may be needed over the next couple years while construction goes on. We were told that KIUC plans to truck water in for us, but I don't think that it will be a viable option.

What will be the quality of the water that would flow through the pump system from the Puu Opae reservoir for KHHA POFIP once the project is done?

In the future we would be utilizing used hydro water to be pumped from the Puu Opae reservoir back up to the old plantation irrigation filters to supply not only KHHA POFIP, but the rest of DHHL ag lands that sits above the Puu Opae reservoir. What can we expect the water quality to be? This is critical information ensuring that this project is supplying healthy water for our POFIP and DHHL's Kuleana Project flowing through the hydropower plant for kalo cultivation and other diversified agriculture on the Puu Opae Plain.

Solar fields on the Mana plain are too close to the bird sanctuary.

What steps are being taken to ensure that we don't lose any type of fowl that can and will mistakenly see the approx. 350 acres of solar PV panels as mash and swap lands? The PV fields are too large and close to the Kawaiele Waterbird Sanctuary.

Do the Niu Valley road access improvements include guardrails?

I am unaware if there will also be guardrails installed to ensure the safety of those who will be using the road access at Nui Valley. I do not see info that's stating added safety while equipment and user's access at the same time.

Why is KIUC asking for a 65-year lease?

A 65-year lease is a really long time and with how dramatic climate change has been currently, predicting the conditions of our watershed in 65 years is not easily done. Will there be enough water to run the Puu Opaie reservoir continuously for 65 years? In the event that the Puu Opaie hydro is not running, will we be assured that water supply to the Puu Opaie area will happen even if there isn't enough water to run the Puu Opaie hydro plant? Could we then branch off of the main penstock to directly feed the old plantation filters, if the hydro is not in operation?

How does this proposal affect our electricity rates?

With some of the highest electricity costs, will West Kauai residents benefit from any additional rate reduction in exchange for hosting the hydro project? Especially those that will be in the immediate area like the DHHL Kuleana Project at Puu Opaie.

Mahalo,

A handwritten signature in black ink, appearing to read 'Sean Andrade', with a large, stylized flourish extending to the left.

Sean Andrade

KHHA, POFIP Chairperson

Comment No. 15

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 8:06 AM

From: Louis Antonelli <louisant@hawaii.edu>
Sent: Tuesday, October 4, 2022 8:33 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Evening Mrs Yasaka, my name is Louis Antonelli a recent graduate from UH Hilo. I studied environmental science and management and now operate an organic farm in Waimea.

I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Louis Antonelli



Comment No. 16

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] West Kaua'i Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 11:02 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Laurie And James <jamesnlaurie@yahoo.com>**Sent:** Monday, October 10, 2022 9:36 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] West Kaua'i Energy Project

Aloha,

Mahalo for taking the time to read our testimony.

We are writing in to Demand an EIS to your project!

We, Do Not Want To Be Known for the Top State in Going Green, IF, it will affect the People of our Island!

To divert all that water, for what? You all already taking from Our Sacred Wai'ale'ale! The building of that hydro plant, brings irreparable damage to our sacred area!

And you, Mr.Aila what deal did you make for kiuc to proceed with this damage to our Aina? NO ENTITY should have a 65 year lease, common sense!

If kiuc can build this ugly monstrosity thing, you, Mr.Aila, can do it, to Put Our People on Our Lands!

ALL of you People who plan all this building on our Island, Do Not Live Here to Be "Affected"

Who will Benefit from this? Not the People of Waimea! Just like the solar farm in Anahola, kiuc said, Anahola will Benefit, Where and Who? Nada!

You all taking Precious Land and Now Our Water,from Our People, who are waiting for YEARS to get on Hawaiian Home Lands!

Why don't you all, Help in that, first!

We demand an EIS! We Do Not Want A Red Hill Happening Here 10,20 years from now!

Mahalo again for taking the time to read Our testimony!

"Ola I ka Wai"

"Ua Mau ke ea o ka Aina I ka pono"

Sincerely,
Laurie Avilla and Ohana

Sent from my iPad



Comment No. 17

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:09 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: raenicole808 <raenicole808@gmail.com>**Sent:** Thursday, October 6, 2022 9:12 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Our family will be devastated if the water that currently flows down and keeps our Lo'i thriving is diverted away. Not to mention the negative impact on the indigenous wildlife that is beginning to thrive in the valley. Our kids already suffer to save the birds, would you have the food taken from their tables as well?

Mahalo,

Rae Banasihan 🌻



Comment No. 18

Admin Joule <admin@joulegroup.com>

Form submission from: Revised Draft EA Comments

WKEP Outreach via WKEP Outreach <noreply@konveio.email>

Sat, Oct 8, 2022 at 9:15 AM

Reply-To: WKEP Outreach <noreply@konveio.email>

To: admin@joulegroup.com

Submitted on Saturday, October 8, 2022 - 9:14am

Submitted by user: walt6076

Submitted values are:

First Name: Walter

Last Name: Barnes

Email: walt@real-net.com

Comments:

I commend KIUC and its contractors for the thoughtful and thorough approach to the Westside Entergy Project. The Environmental Assessment just completed demonstrates and reinforces the community's trust in KIUC as a community-focused organization and as an environmental steward.

Environmental Assessments are mostly designed to find negative impacts and this draft's finding of no significant impact is reassuring. However, as a longtime proponent of pumped storage for Kauai I want to stress the actual environmental impact of the project is significant and positive. This project will help preserve and protect the local environment and the global environment by enabling the reduction of the aggregate carbon footprint of Kauai.

The results of this submission may be viewed at:

<https://westkauaienergyproject.com/node/27/submission/82>



Comment No. 19

Admin Joule <admin@joulegroup.com>

"No" to proposed AES West Kauai Energy Project

Bonnie Bee <recallbherenow@hotmail.com>

Mon, Oct 10, 2022 at 6:22 PM

To: "lauren.e.yasaka@hawaii.gov" <lauren.e.yasaka@hawaii.gov>

Cc: "admin@joulegroup.com" <admin@joulegroup.com>, "jchang@ssfm.com" <jchang@ssfm.com>

9 October 2022

To: Lauren Yasaka, state of Hawaii, DLNR

Jared Chang, SSFM

Dawn Huff, KIUC

AES West Kauai Energy Project, LLC

To Whom it May Concern of ALL above entities:

GRATEFUL for the opportunity to say "No" to the audacious 'findings' in the draft E.A. of the proposed AES West Kauai Energy Project; by KIUC.

NONE of it is forthright

For KIUC to hang on the coattails of King Sugar is criminal.

Lack of Rainfall is not addressed in the dE.A.

Climate Crisis neither - is mentioned in conjunction with this shabai draft E.A.

It's APPALLING that the entire island of Kaua'i is under HIGH FIRE Alert - that KIUC is seeking a 65-year lease for:

ALREADY occurring documented failure to meet interim instead flow standards.

Waipo'o already is gone - lot's of times

The state of Hawaii, Department of Land and Natural Resources must deny this proposal which *KIUC* proposes via this draft Environmental Assessment.

It will prove the ineptitude of DLNR in protecting the sacred waters that this body purports to protect - 'if' this proposal and draft E.A. is not denied.

A federal Environmental Impact Statement is warranted for this proposal from KIUC.

There are countless discrepancies in this shabai sorry excuse for Environmental Assessment.

Injustice, hana hou for the Native Hawaiian who have non existent water rights.
The host people whom suffer yet, without their birthright of clean water.

The sheer immoral shamefulness of KIUC is clearly exposed by their proposing 'this'.

Wai`ale`ale is not the wettest place on Earth

PREVIOUS prevailing Tradewinds have died off at least a decade ago - DROUGHT plagues Kaua`i.

Please exercise common sense: deny this proposed KIUC sham for a 65-year lease to steal the limited, very limited current trickle of stream flow.

RESTORE STREAMFLOW Waipo`o IMMEDIATELY

MAHALO NUI LOA for keeping The Pololei

Mālama Pono

Sincerely With ALOHA,

Bonnie P. Bator and `Ohana
(Keana`aina, Keli`ikoa, Kai`aokamalie & Kai)



Comment No. 20

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 12:34 PM

From: Mary Baxter <marybaxter99@gmail.com>
Sent: Wednesday, October 5, 2022 12:33 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha, Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Mary Baxter

--

Fondly,
Mary



Comment No. 21

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] SUBJECT: Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:06 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Diana B <diana96822@gmail.com>**Sent:** Thursday, October 6, 2022 11:51 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] SUBJECT: Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

As we face the possibility of more severe droughts as a result of global warming, we need to make absolutely sure that we protect our water sources by all means available to us. Otherwise, if we degrade our water, it will make Kauai uninhabitable. It is easier and cheaper to prevent harm to our water supply than try to clean it up after it has been polluted.

Mahalo,

Diana Bethel



Comment No. 22

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] KIUC hydro project testimony

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:30 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Msn <kauai_emi_11@msn.com>**Sent:** Monday, October 10, 2022 8:30 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] KIUC hydro project testimony

Dear Lauren,

I am a Kauai resident, born and raised and live in Kekaha. I am urging DLNR due diligence to require a full environmental impact statement for the West Kauai Energy Project. This is absolutely necessary and ethical to complete. This project must consider impacts as it is a very large, and long intended project. There is no substitute for water, and there is no reversing damage as it is done. KIUC is accountable and must not try to get around doing an EIS. Decisions made today will cause lasting impact. Thank you for your time.

Aloha,
Emilie Bierly



Comment No. 23

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Environmental Impact Statement - Required

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Wed, Oct 5, 2022 at 8:23 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Sara Bill <saralbill@gmail.com>**Sent:** Wednesday, October 5, 2022 8:23 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Environmental Impact Statement - Required

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by KIUC. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

It is our responsibility to ensure that the choices we make now positively impact future generations and I don't believe that this fulfills that promise. You owe it to our community to do the right thing.

Mahalo for your consideration.

Sara Bill



Comment No. 24

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:19 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Irena <irenabliss@gmail.com>**Sent:** Saturday, October 8, 2022 12:00 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

We know the devastating impact that stream diversions have on people and wildlife that depend on them. This project proposes to build on top of old sugar plantation diversions that have caused significant lasting harm to West Kaua'i's communities. Now is the time for innovative solutions to Kaua'i's climate challenges, and strategies to reduce energy consumption and impacts, and to restore and protect natural watersheds for the well-being of future generations and all life.

That is why the community is amplifying their demand that KIUC complete a full EIS on the WKEP.

Mahalo nui for your support in this.

Ua mau ke ea o ka 'āina i ka pono. The life of the land is perpetuated in righteousness.

I ka wā ma mua, ka wā ma hope. We look to the past as a guide to the future.

Mahalo,
Irena Bliss



Comment No. 25

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:23 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Boisvert-Jorgensen <infofordenise@yahoo.com>**Sent:** Sunday, October 9, 2022 2:27 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha,

Is 70 the new 50?

Is orange the new black?

Is a hydropower plant authorized without a thorough EIS the new sugar plantation water hog?

Are the Big Five days that dominated and repressed local people and their rights to land and water really over?

Please prove that those days are over by requiring a thorough EIS.

The only question left is, 'Why not?'

Sincerely,

Denise Boisvert

A Honolulu resident who cares about statewide water access and rights



Comment No. 26

Dawn Huff <dhuff@joulegroup.com>

FW: WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Braun, Brooks <bbraun@kiuc.coop>**Sent:** Thursday, October 6, 2022 9:40 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP revised draft environmental assessment

To Whom It May Concern,

I'm in support of this WKEP project. It has lasting positive impacts to the Kauai community and energy independence to future generations on the island.

I believe the revised DEA is comprehensive and the FONSI is well supported to Kauai's best interests. I would like to see it move forward as soon as possible.

Mahalo,

Brooks

Brooks Braun | Plant Manager – Kapaia Power Station

4941-K [Maalo Rd](#) | Lihue, HI 96766

Phone: 808.246.2363 | Mobile: 808.634.2426 | Fax: 808.335.5674

Email: bbraun@kiuc.coop | Web: www.kiuc.coop



The power of human connections!



Comment No. 27

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:47 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Grayson Breen <graysonmbreen@gmail.com>**Sent:** Monday, October 10, 2022 2:02 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Hello Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Unity Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Thank you,

Grayson Breen MSW, LSW, PEL:SSW (He/ÉI)

--

Grayson M. Breen MSW, LSW, PEL:SSW (He/ÉI)

**Comment No. 28****Dawn Huff <dhuff@joulegroup.com>**

FW: [EXTERNAL] EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: avery brinkworth <averybrinkworth@icloud.com>

Sent: Thursday, October 6, 2022 9:07 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] EIS required for WKEP

Dear Ms. Yasaka,

I'm writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents.

Mahalo,

Avery Brinkworth, 96746



Comment No. 29

Admin Joule <admin@joulegroup.com>

Form submission from: Revised Draft EA Comments

WKEP Outreach via WKEP Outreach <noreply@konveio.email>

Wed, Oct 5, 2022 at 5:39 PM

Reply-To: WKEP Outreach <noreply@konveio.email>

To: admin@joulegroup.com

Submitted on Wednesday, October 5, 2022 - 5:39pm

Submitted by anonymous user: 187.157.164.130

Submitted values are:

First Name: Jason

Last Name: Bryant

Email: Jgbryant@hawaii.rr.com

Comments:

This impact study is pretty extensive. It is obvious that KIUC is taken strong consideration where environmental impacts are concert. I support KIUC's effort to produce renewable energy and am grateful for their existing stewardship of the supporting areas housing their renewable projects. If opposers of the project have questions beyond what is covered in this second draft I am sure KIUC would entertain answering questions which were formed by exercising the same scientific and engineering rigor used in the study itself.

The results of this submission may be viewed at:

<https://westkauaienergyproject.com/node/27/submission/80>



Comment No. 30

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL]

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:06 AM

From: Jeanne Butler <jlbmaui@gmail.com>
Sent: Thursday, October 6, 2022 12:28 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL]

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

This will scar and desecrate the Island as well as affect the ancestors and all who live there.

Mahalo,

Jeanne Butler

Island of Maui



Comment No. 31

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Environmental Impact Statement for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:56 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: June Cappiello <june.cappiello@gmail.com>**Sent:** Monday, October 10, 2022 3:56 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Environmental Impact Statement for WKEP

Aloha Ms. Yasaka,

I am joining others to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by KIUC. As a former resident with many friends on Kaua'i and a deep respect for the land and its people, it is imperative that those in leadership do everything in their power to protect natural resources that are precious and limited to ensure its availability for future generations.

The second environmental assessment that was published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. Water is life. Something that affects critical resources—which cannot easily be reversed—requires a thorough investigation.

Mahalo nui,
June Cappiello
(808) 797-9455



Comment No. 32

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 9:25 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Shelley Choy <shelonearth@gmail.com>**Sent:** Friday, October 7, 2022 9:25 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Dear Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. Please put a brake on the process so that the concerns of the people of Kaua'i will be properly and genuinely addressed. Please be a true steward of our most precious resources: water and land.

Sincerely,

Shelley Choy



Comment No. 33

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] FULL EIS On West Kaua'i Energy Project!

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 2:01 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Malia Chun <kahaleinia@gmail.com>**Sent:** Friday, October 7, 2022 2:01 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Re: FULL EIS On West Kaua'i Energy Project!

My apologies...Ms. NOT Mr.! Here is a revised letter...

Aloha Ms. Lauren Yasaka,

As a concerned West Kaua'i resident, I have written countless testimonies and attended countless meetings regarding the West Kaua'i Energy Project. It's been over 5 years and none of my concerns and questions have been answered by KIUC. Here are a few of my most pressing concerns...

- We asked for a COMPREHENSIVE EIS years ago and we waited and waited and waited and got an EA instead...this is unacceptable.
- No single entity should hold or be granted a long term lease (65 years) of a PUBLIC TRUST and of our MOST PRECIOUS NECESSITY...WATER!!
- NO entity should be legally able to harness 11 MILLION GALLONS of WATER PER DAY or ever, for any reason!

I can go on and on about the long term environmental, cultural and human impacts such a drastic project will create, during a time of impending climate change, but if you're smart enough to create a billion dollar hydro system, you're smart enough to figure it out yourself. Yes, I enjoy the benefit and convenience of electricity, but 7 generations from now when our streams beds are dry and the ocean stops producing, my great grandchildren (who's ancestors have survived the majority of human existence without electricity) won't be grateful that they can conveniently switch on a light bulb, they will be GRATEFUL TO HAVE ACCESS TO FRESH, CLEAN, LIFE GIVING WATER!!! Go back to the drawing board and do better...

Mahalo a nui,

Malia K. Chun

West Kaua'i Resident, Educator and Concerned Mother

[Quoted text hidden]



Comment No. 34

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Mauiola cook re EIS by KIUC for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:25 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Mauiola Cook <mauliola3@gmail.com>**Sent:** Sunday, October 9, 2022 6:40 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Mauiola cook re EIS by KIUC for WKEP

10/9/2022

Kilauea

Re: Request for mandatory EIS by KIUC for WKEP

Aloha Planning Commission Chair Apisa, Vice-Chair Cox, and Honorable Kaua'i Planning Commissioners

My name is Maui Ola Cook (aka Christine Anne Cook). I have been a resident of Kaua'i since 1986.

I am a resource teacher in creative arts and Hawaiian studies and have taught principally in schools from Kapa'a to Hanalei but have taught at all public elementary schools throughout the island as well. I am a hula practitioner and have been teaching a small class in hula for over 20 years.

It is my kuleana to once again write to you to please ask you to require our KIUC to complete a full EIS for their project on the West Side of our island.

Please be aware that the 11 million gallons of water per day that will be diverted from the Waimea River will have a significant negative effect on that important river. Already the river is very different than it was when it was in its fullest health. The waters are quite low in many places.

It is concerning that heavy construction equipment will be used in the river and in important habitats for protected and endangered species, and areas of known 'iwi kupuna and historic sites.

Personally, I am against the granting of a 65-year lease. I think that it is the right of the community to evaluate how KIUC is doing with the things they propose. We should be able to do that every year, not once in 65 years.

I am appreciative of KIUC's desire to find solutions to lower our utility costs however I think they need guidance to find the solutions that will not perpetuate the mistakes of the past. It is evident to us all how much the diverting of waters has impacted our people, wildlife and natural habitats.

Please require KIUC to conduct a full EIS on this project on the West Side.

Mahalo nui loa for all the hard work and dedication you all give to our island home.

Na'u

Maui Ola Cook

(AKA Christine Anne Cook)

8086528173

PO 326 Kilauea HI 96754



Comment No. 35

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:23 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Meredith Cross <malibumer.nunn@gmail.com>**Sent:** Sunday, October 9, 2022 1:59 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,
Meredith Cross
Kapa'a, HI



Comment No. 36

Admin Joule <admin@joulegroup.com>

Kauai Water Project

Michael C Curtis, REALTOR <leadingedgeofknownuniverse@gmail.com>

Mon, Sep 12, 2022 at 6:14 AM

Reply-To: LeadingEdgeofKnownUniverse@gmail.com

To: admin@joulegroup.com

I fully support this project and it's proven technology. That technology have was implemented over 60 years ago in Ludington Michigan.

The Michigan utility company built a reservoir that adds water during low use/peak production times, and utilizes the kinetic energy to generate electricity during peak use times. The concept uses kinetic energy of water and gravity to store excess energy.

It's simple concept is to store energy like a battery, without the chemical toxicity of battery technology.

The added advantage of building water availability to surrounding Hawaiian Homes Lands makes this project Win/Win/Win.

Aloha,
mike

Michael Curtis

808-639-7878

leadingedgeofknownuniverse@gmail.com

from Poipu Beach, the Leading Edge of the Known Universe®



Comment No. 37

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL]

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Mon, Oct 10, 2022 at 3:47 PM

From: Patricia Davis <energizedwellness9@gmail.com>
Sent: Monday, October 10, 2022 1:22 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL]

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

I live on the North Shore and what happens on the West side will affect all of us on the island. We need to protect our farmers so we can grow most of the food we need right here on Kauai. Why promote such a destructive project? It is not good for the island and will not help us sustain the prosperity of our beautiful Kauai.

Mahalo for the opportunity,

Patricia Davis
96722

Comment No. 38



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Hydro Power for Westside Electricity

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Diane de Vries <diane.e.devries@gmail.com>

Sent: Saturday, October 8, 2022 4:19 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] Hydro Power for Westside Electricity

Dear Ms. Yasaka

Please accept my concerns re: The West Hawaii Energy Project.

At a time when our planet and our small island is in dire need of thoughtful planning and maximum conservation strategies, why are we being asked to accept Hydro Power as the only possible source for generating electricity on the Westside. Certainly there are other forms to consider. KIUC has offered only to produce an EA, providing the least amount of inquiry into their plan. A more thorough look through an EIS would help the decisionmakers find the most effective, least invasive solutions to the future needs for power.

How can we possibly commit to a 65 year water lease, when the condition of our planet and the environment is so uncertain. At the very least, we would need an EIS to assess the effects of hydro power on all aspects of the environment: damage to water usage, damage to near shore waters and fisheries, sacred and historical sites, recreational use, endangered species, etc. The EIS should also take into account the naturally conservative nature of the Westside people, who I believe, would want to use the least amount of power and water, our most valuable resource.

Please consider requiring KIUC to at least provide the community with the information of an EIS. It feels like we're being lead toward a conclusion that KIUC wants Hydro Power their way and with no chance for thorough discussion.

Thank you for consider my concerns.

Sincerely,
Diane de Vries

Sent from my iPad



Comment No. 39

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:17 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Jessica dos Santos <nrtshrlv@gmail.com>**Sent:** Friday, October 7, 2022 6:16 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha Ms. Yasaka,

Although I am a resident of Oahu I am cognizant of the harmful effects of water diversion from streams and especially in ecologically sensitive areas. DLNR should be fully aware of the damaging effects of stream diversion and the development of industrial sized energy facilities. It is also time that companies, especially AES, and the state agencies that allow them to develop include community needs and concerns in the decision making process. Consultation does not equate to free, prior and informed consent.

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

Mahalo for the opportunity,



Comment No. 40

Admin Joule <admin@joulegroup.com>

Kauai Energy Project

Noreen Dougherty <montessorihale@gmail.com>

Mon, Oct 10, 2022 at 7:07 AM

To: admin@joulegroup.com

Thank you for the opportunity to be heard:

It is imperative that the most thorough **Environmental Impact Statements** (plural) be completed and reviewed, not only by the state agencies involved, but the people of Hawaii. This is a serious proposal that should not be taken lightly, nor begun before the reports are completed and reviewed.

In 1988, the state passed a law stating that NO streams and waterways can be diverted, not even by the State of Hawaii. Committing to a 65 year lease on a project that is not wanted by many, not proven to be beneficial, astronomically expensive and extremely disruptive to the environment is absolutely out of the question. I ask that you consider the Kauai that our children will inherit.

Please thoroughly look at other ways to achieve the goal.

Respectfully,
Noreen Dougherty.
Kapaa, Kauai



Comment No. 41

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:27 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: kauaitreasures808@gmail.com <kauaitreasures808@gmail.com>**Sent:** Sunday, October 9, 2022 10:49 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] EIS required for WKEP

Aloha,

I am emailing you to request a full environment impact statement for the West Kauai Energy Project being proposed by KIUC. The second environment assessment they published raises for questions than answers about how this project will affect the health of the Waimea River, as well as the quality of life for Waimea residents.

Diverting 11 million gallons of water per day as they did in plantation era days is going backwards, not forward.

Mahalo for reading,

Drea

Kapaa, HI



Comment No. 42

Admin Joule <admin@joulegroup.com>

Kauai Energy Project

Ellen Ebata <hawaiiellie@gmail.com>

Sun, Oct 9, 2022 at 10:24 PM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

Aloha Lauren Yasaka, Dawn Huff and Jared Chang,

The two large power projects being proposed by KIUC come with equally large concerns. Firstly, the intended use of ground or surface water triggers Hawaii's water statute requiring an Environmental Impact Statement to assess the projects' impact of permanently removing huge amounts of water from multiple watersheds. Compliance with HRS 171.58 is mandatory. Approval should only be granted in the absence of any negative environmental impacts.

Can these streams sustain the amounts of water withdrawal proposed? A well done EIS should review current data on stream sources and the quantity of water flowing through them. Climate catastrophe has not spared anyone or anything on earth and as evidenced by increasingly violent and destructive weather phenomenon we cannot rely on what has happened in the past, like KIUC's last 100 years of stream gauge data. As sea levels rise, millions of acres of land are being destroyed by wildfires fueled by droughts. The impact of droughts on Kauai's agriculture has been devastating. No water, no crops. The segmentation of an EIS is not allowed - it must assess the impact on the environment and all of Kauai. The West Side is the driest part of the island. Why extract water from there ?

The inherent definition of a coop is an organization that operates to meet the needs of all members. A wholistic approach is called for: What will be the environmental, economic and social impacts of these projects?

Please do not accept KIUC's second DEA which does not adequately address the impact on our natural resources and community.

Water is one of our most precious resources and KIUC must be held to account. Please stop this speeding train. The impact on our water resources as well as on the community and agriculture must be assessed.

You are tasked with protecting Kauai's people and its natural resources. Now more than ever, as climate catastrophe looms, diligence, wisdom, foresight and courage are called for.

Thank you for your serious consideration of these matters.

Sincerely,

Ellen Ebata
Kauai Resident



Comment No. 43

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:47 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Michelle Emura <michellelemura@gmail.com>**Sent:** Monday, October 10, 2022 2:17 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP revised draft environmental assessment

Aloha!

I strongly believe that the revised draft environmental assessment is comprehensive in its analysis and the FONSI is well supported. This continues to uphold my very firm belief that the WKEP project is a great for the community and the quicker it moves forward the better.

Mahalo!



Michelle L. Emura, Consulting

808.639.7209 michellelemura@gmail.com

By Post: PO Box 1271 Lawai, HI 96765

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Comment No. 44

Dawn Huff <dhuff@joulegroup.com>

Fwd: support for WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:18 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Luke Evslin <levslin@kauai.gov>**Sent:** Friday, October 7, 2022 7:03 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] support for WKEP revised draft environmental assessment

Hi Ms. Yasaka,

Attached is my letter of support for the WKEP revised draft environmental assessment.

Thank you,

Luke Evslin

**Letter of Support WKEP Revised Draft EA-LE-JA-LC.pdf**

208K

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

October 7, 2022

Ms. Lauren Yasaka
Department of Land and Natural Resources
Via E-mail Only: lauren.e.yasaka@hawaii.gov

Aloha:

**RE: SUPPORT FOR KAUAI ISLAND UTILITY COOPERATIVE'S
REVISED DRAFT ENVIRONMENTAL ASSESSMENT FOR THE
WEST KAUAI ENERGY PROJECT (WKEP)**

I am writing in my capacity as an individual member of the Kaua'i County Council in support of Kaua'i Island Utility Cooperative's revised draft environmental assessment for the West Kaua'i Energy Project (WKEP). I believe that the draft environmental assessment is comprehensive and the finding of no significant impacts is well supported.

The WKEP is vital to reducing our island's reliance on oil, helping residents save money on their utility bills, and enabling our community to reach its stated goals of 100% renewable energy and reducing our contribution to climate change. Every year of delay results in tens of thousands of metric tons of carbon dioxide that could have otherwise been avoided. Thank you for your timely consideration of this important project.

Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

LUKE A. EVSLIN
Councilmember, Kaua'i County Council

JA:lc



Comment No. 45

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 8:56 AM

From: kalen fleming <kalen343@yahoo.com>
Sent: Wednesday, October 5, 2022 8:56 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full EIS for the West Kaua'i Energy Project being proposed by KIUC. The second environmental assessment published raises more questions than answers about how this project will affect the health of Waimea River and Waimea residents.

Mahalo,

Kalen Fleming



Comment No. 46

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Tue, Oct 11, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Peleke Flores <peleke@malamahuleia.org>**Sent:** Monday, October 10, 2022 6:42 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

My name is Peleke Flores and I am a Waimea descendant, resident, community member, farmer, cultural specialist, and traditional

hawaiian food systems manager. I have been trying to do my due diligence as a community member to make the best of what's left of our island of Kaua'i.

I humbly request that a full Environmental Impact Statement be done for the West Kaua'i Energy Project being proposed by the Kaua'i

Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Comment No. 47



Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] WKEP Revised Draft Environemntal Assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 9:30 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: randall francisco <franciscorandall@yahoo.com>**Sent:** Friday, October 7, 2022 9:29 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP Revised Draft Environemntal Assessment

I am writing in support of the WKEP Revised DEA which provides a detailed analysis and the FONSI as being well supported. These thus will continue to help the WKEP to become a great project that will benefit Kaua'i. I therefore support its continuation in moving forward and helping the island achieve its energy goals which have been and continue to be an exemplary model across the United States as well as Hawai'i. Mahalo Nui Loa. Randall Francisco, Hanapepe Kaua'i, HI.

Sent from Yahoo Mail on Android



Comment No. 48

Admin Joule <admin@joulegroup.com>

Kauai Energy Projects DEA Comment

Bridget Hammerquist <friendsofmahaulepu@hawaiiantel.net>

Fri, Oct 7, 2022 at 2:37 PM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

Aloha Lauren Yasaka, Dawn Huff and Jared Chang,

Attached please find the Comment from Friends of Maha`ulepu, a non profit 501(c)(3) environmental organization and Kia`i Wai O Wai`ale`ale, an association concerned about the water of Kauai, on the pump storage and new Pu`u `Ōpae hydro power plants second Draft Environmental Assessment.

--

Mahalo nui loa,

Bridget Hammerquist, President
Friends of Maha`ulepu, a 501(c)(3)
Kia`i Wai o Wai`ale`ale, Co-founder
PO Box 1654
Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
(808)742-1037

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FOM Comment to KIUCs Second Power Project DEA.pdf
888K

October 10, 2022

VIA EMAIL

To: Lauren Yasaka, Department of Land and Natural Resources
lauren.e.yasaka@hawaii.gov

Dawn Huff, Kaua'i Island Utility Cooperative/ AES West Kaua'i Energy Project, LLC
admin@joulegroup.com

Jared Chang, SSFM
jchang@ssfm.com

Re: Comments of Friends of Māhā'ulepu and Kia'i Wai o Wai'ale'ale on the Second Draft Environmental Assessment and Anticipated Finding of No Significant Impact for the Proposed West Kaua'i Energy Project, Waimea District, Kaua'i, noticed September 8, 2022

I serve as President of the Board of Directors of Friends of Māhā'ulepū, a non-profit corporation and Kia'i Wai o Wai'ale'ale, an unincorporated association. Please find our comments on the above-referenced Second Draft Environmental Assessment (2d DEA) below. Please do not approve KIUC's second DEA, it is premature, it fails to include an adequate environmental assessment of the source waters without which their proposed projects could not operate. Their 2d DEA appears to be seeking project approval as leverage to obtain a 65-year water lease without first establishing the impact to the environment. They are putting the cart before the horse and their 2d DEA must be denied.

1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources.

a. *Project prolongs development of natural streams and forestalls restoration*

Applicants Kaua'i Island Utility Cooperative (KIUC) and AES West Kaua'i Energy Project, LLC (AES) (collectively, "Applicants") rely heavily on a mediation agreement that arose from a water wasting complaint filed by Pō'ai Wai Ola and West Kaua'i Watershed Alliance. The whole point of that initial complaint was that there was no reason for Waimea stream to continue to be diverted while many of the former-plantation lands lay fallow.

Upwards of 20 million gallons per day (mgd) were being diverted from the Waimea watershed, much more than what was needed for Kekaha Agricultural Association (KAA) and the Agribusiness Development Corporation (ADC) to operate. Much of the water was being diverted for existing hydropower plants instead of being allowed to sustain natural streams. This includes an older hydroplant near the Waimea tunnel, then entering the Kekaha ditch, as well as another existing hydroplant on the Mānā plain. Now, Applicants are proposing an even larger hydropower project to monopolize much of Waimea watershed water.

Applicants' project would prolong the historical and existing interbasin transfer of water into ditches and pumps and defers, for at least 65 years, restoring the, much-longer historied, landscape of wetland agriculture and well-watered Waimea valley and delta. 2d DEA at 1-5. Project lands include "B" grade agricultural lands that will be used for industrial solar panels instead of growing food. The bounty of streams will be, again, channelized from their natural courses. Generational knowledge of the Mānā plain, Kekaha, and Waimea areas as a natural wetland will not be sustained through the continued deformation of the landscape. The potential future full restoration of West Kaua'i to its pre-diversion state will be forestalled in order to utilize the lands and waters for this project for

another lifetime. These are significant impacts.

b. No disclosure of foreseeable impacts of failure to meet interim instream flow standards.

The 2d DEA assumes all operations will achieve compliance with Phases I and II of the interim instream flow standards (IIFSs). However, mediation parties including KIUC have not been complying with the relatively less restrictive Phase I IIFSs. In their recent September 20, 2022 report on implementation of the mediation agreement, Pō'ai Wai Ola and West Kaua'i Watershed Alliance attorneys cited 173 days of IIFS violations for the lower Waimea river between October 1, 2020 and July 31, 2022. This means IIFSs were not being met 61% of the time during low-flow conditions.¹

Phase I IIFSs are not being met most of the time. Thus, it is reasonably foreseeable that IIFSs will continue not to be met under the more complicated controls imposed by the project. The 2d DEA fails to consider potential significant impacts to instream uses under scenarios including delayed repairs, persistent drought, and whatever other reasons KIUC, Kekaha Agricultural Association, and other diverters have been putting forth to excuse their noncompliance with the existing IIFSs.

Foreseeable impacts on instream habitat are not disclosed. The Stream Habitat Assessment notes it was "difficult to apply" modeling to the current condition scenario. 2d DEA V. 4, Appx. G at 79-80. Further, such assessment would only review stream habitat and not other impacts of failure to implement IIFSs (e.g. sand incursion and sand bar buildup at the Waimea River mouth, increasing silt island formation in the Waimea River from lack of adequate flushing, etc.).

Stream depletion, including that in violation of the IIFSs, is foreseeable consequent to the project's complicated integration of off-stream uses and ongoing record of violations. For instance, during non-solar hours, the project involves: (1) a 24.68 mgd release from the Pu'u Moe Divide into the Kōke'e ditch (with 0.5 mgd going to DHHL pastoral lots); (2) then a 24.18 mgd release to a new 4 MW Pu'u 'Ōpae hydroelectric plant (with 5.63 mgd going to satisfy DHHL's reservation); (3) then 18.55 mgd would enter a lower penstock going towards the new 20 MW Mānā Powerhouse, with the balance spilling into Mānā plain and the KAA irrigation system. 2d DEA at 2-4.

One impact to especially Waimea river consequent to the failure to implement sufficient IIFSs is the build up of a sand bar near the rivermouth. Chuck Blay, a geoscientist and sedimentologist who has been studying sand movement on Kauai's Westside has opined that diversion of stream flow reduces the number of "flushing" events that would otherwise reduce incidents of sandbar build up.² With the implementation of more regular streamflow at Kahoma stream, in Lahaina, Maui, under IIFSs in recent years, build-up of sediment and other blockages at the stream mouth no longer occurs, reducing the need for clearing with machinery. The 2d DEA does not assess significant impacts of reducing available water for flushing makai areas, including at the mouth of the Waimea river.

c. A Long-term water lease constitutes a significant impact requiring an environmental impact statement.

The claim that the project, which will deform an entire watershed, taking up hundreds of acres, and requiring millions of dollars to construct with many millions of gallons of water lost daily, not returned to the stream of origin or any stream will have *no* significant impacts defies common sense and insults the reader's intelligence. Applicants should be required to prepare a full environmental impact statement (EIS) in any case, but even more so because an EIS is required by State law.

¹ See CWRM, Staff Submittal Item C-2, at 35 (Sep. 20, 2022) available at: files.hawaii.gov/dlnr/cwrmsubmittal/2022/sb20220920C2.pdf.

² Jessica Else, "Sediment sentiment," *The Garden Isle* (Sep. 9, 2019) available at: www.thegardenisland.com/2019/09/09/hawaii-news/sediment-sentiment/

The project proposes to seek a long-term 65 year lease from the Board of Land and Natural Resources. 2d DEA at 2-11. Hawai'i Revised Statutes (HRS) §171-58 provides in pertinent part:

“(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution.”

Id. (emphasis added). The statute anticipates the preparation of an EIS even for leases of water for nonconsumptive uses. The open-loop pumped storage project is clearly consumptive. An EIS is all the more necessary for a long term lease for this even higher-impact project.

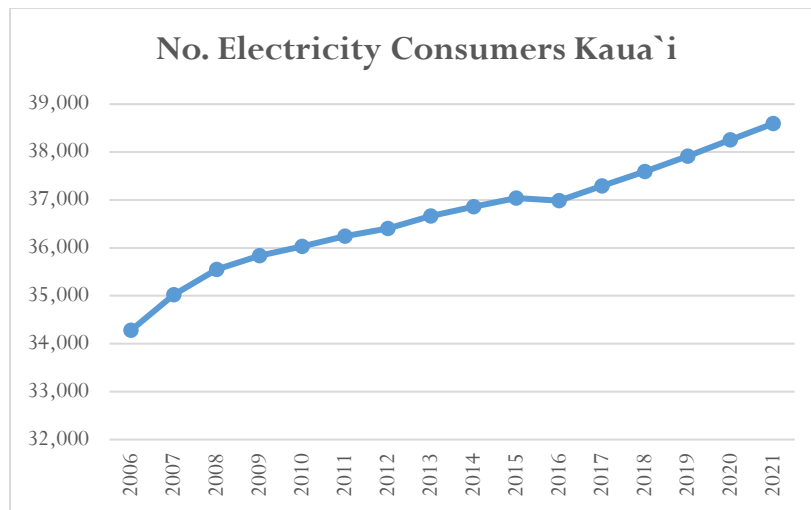
2. The Need for Project energy contribution is insufficiently described, thereby curtailing discussion and assessment of reasonable alternatives.

a. No discussion of other renewable energy initiatives or integration of project into KIUC system.

In their pre-consultation comments, Earthjustice requested the DEA: “explain the project's impacts on KIUC's island-wide power system, i.e., how the project would integrate into KIUC's grid planning and operations, including but not limited to how the project's contributions would enable the displacement, replacement, or retirement of other, less environmentally preferred resource options.” 2d DEA V.5 at PDF 654. Applicants affirmed they would do so but the 2d DEA again fails to include specifics of the project benefits. *Compare id.* at 656 and V.1 at 2-2. Disclosing the project will meet 23.6 % of KIUC's renewable portfolio standards is not meaningful without including other renewable energy projects *or* efforts to curtail energy *use* and energy-utilizing development.

b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed

The number of electricity consumers on Kaua'i has steadily risen since 2006. Without maintaining a ceiling on energy users, gains for each of KIUC's energy projects, including both the pumped storage and Pu'u 'Ōpae hydroelectric plant, may be “eaten away” by further build out. Reviewing their DEA does not reveal how much of the island power need is currently met by large solar farms that have been added in the last 2 years. Without an island wide ceiling or total required daily energy need the project need is speculative.



Source: Dep’t of Business, Econ. Development, & Tourism, “Economic Data Warehouse” (accessed Sep. 26, 2022) available at: dbedt.hawaii.gov/economic/datawarehouse/

The “reliability” of KIUC power grid is generally beneficial, but also licenses *reliance* on regular, affordable electricity that may forestall behavioral, development planning, and other changes that would not rely on a centralized power grid. These include various kinds of conservation, rooftop solar, reductions in conventional housing subdivisions, and more careful consideration of larger energy-utilizing projects, such as surf wave pools previously planned for the island. These impacts are discussed further *infra* Part 3.

The issue is not only whether Applicants subscribe to voluntary conservation initiatives, but whether a ceiling, cap, or limitation on the number of consumers and amounts of energy used would also be a means of achieving the 24 MW/ 18% energy objectives described both in the 2d DEA and KIUC’s other reports.³

c. Significant impacts of building two new hydroplants outweigh their need.

The necessity for both the pumped storage and Pu‘u ‘Ōpae hydroelectric plant in this project is unclear. Rather the pumped-storage portion of the project appears to be an attempt to “greenwash” the ongoing impacts of hydroplants in this area. As discussed *supra* Part 1.a and in the 2d DEA, the succession of hydroplants to plantation agriculture has been a primary culprit in the continued diversion of streams in the Waimea watershed area.

The pump-storage addition was intended to minimize the environmental drain on the watershed and the Waimea River and for that reason received community support. Most of the West side community and the island was unaware of the additional new hydropower plant planned for Pu‘u ‘Ōpae. Many of our members do not find adequate justification for such an enormous diversion of water which ultimately will cast the watershed as much or more than what was taken during the plantation era. At present, the Mānā plain is pumped out to sea because of a high-water table and the propensity for flooding. Directing more water from the Pu‘u ‘Ōpae to this location will only serve to increase the permanent loss to our freshwater resources.

3. Projects likely to adversely impact development of resilience to climate change

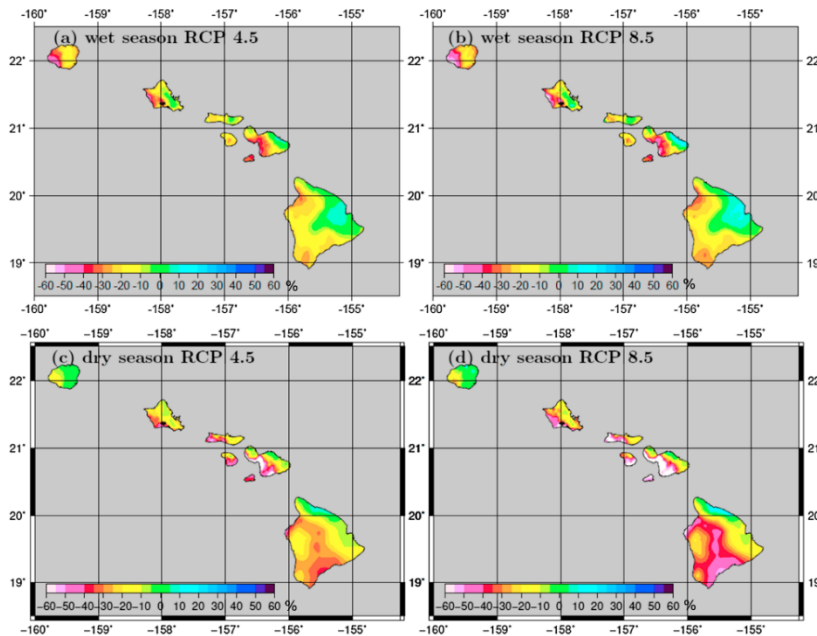
The 2d DEA failed to consider reasonably foreseeable significant impacts of the project in light of climate change including drying trends that may reduce streamflow availability and normalizing reliance on centralized

³ Potential KIUC renewable energy projects in service in 2025, inclusive of the project, are predicted to provide 166.2 MW and 85% of total energy demand. KIUC *Currents* magazine, at 25 (Fall 2022) available at: kiuc.coop/sites/default/files/documents/currents/2022/Currents_Fall22_web.pdf. KIUC describes current renewable energy in service in 2022 as 142.2 MW and 67% of total energy demand, with only the Project pending.

power grids.

a. No disclosure of reduced rainfall on Project operations.

Under both dynamical and statistical downscaling models, West Kaua‘i will become drier during the 65 year lifespan of the project.



Source: Elison Timm, O., T. W. Giambelluca, and H. F. Diaz, “Statistical downscaling of rainfall changes in Hawai‘i based on the CMIP5 global model projections,” 120 *J. Geophys. Res. Atmos.* 92, 107 (2015).

Figure 13. Interpolated maps of the statistically downscaled rainfall scenarios RCP4.5 and RCP8.5 for the period 2041–2071 (31 year time mean). Shown is the ensemble median result from 32 members from CMIP5. Units are given in percent.

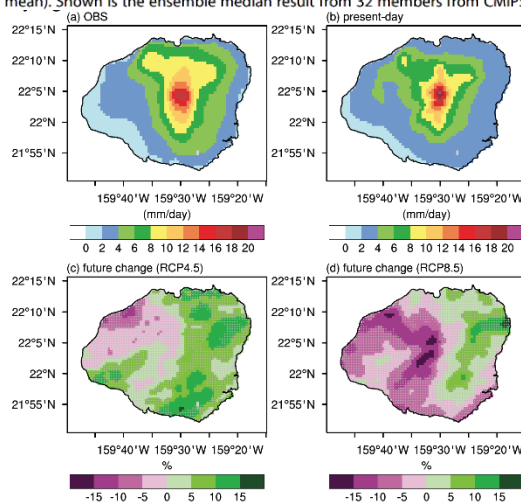


Figure 8. The observed (a) and simulated (b) 20-yr mean rainfall for Kauai. The projected future changes are shown in (c) for RCP4.5 and (d) for RCP8.5. The grey dots indicate the future changes are not statistically significant at the 95% confidence level.

Source: Yuqing Wang, “Very Fine Resolution Dynamical Downscaling of Past and Future Climates for Assessment of Climate Change Impacts on the Islands of Oahu and Kauai,” Int’l Pacific Research Center, University of Hawai‘i (2015) available at: pi-casc.soest.hawaii.edu/research/research-projects/dynamical-downscaling-climate-oahu-kauai/

Though the 2d DEA refers to “changing rainfall patterns,” it does not discuss how these may impact the viability, operations, and especially impacts of the project. Will reduced streamflows consequent to climate change engender even greater non-compliance with the IIFSs in favor of the project operations?

b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.

Normalizing or increasing reliance on centralized power grids undermines resilience to climate change.

That is, the reliability of KIUC's energy services engenders an expectation of the availability of that energy as a matter of course and dissuades the development of non-energy utilizing alternatives, reduction of energy usage, and associated behavioral and policy changes.

Development of renewable energy projects, including the one at issue here, may mask or reduce the impact of climate change crises without materially changing natural processes that will anyway require increasingly drastic measures. The mere substitution of renewable energy projects for fossil fuel burning is akin to the "unintended consequence" of beach nourishment projects that, while mitigating impacts of sea level rise, also permit high-end development in places vulnerable to sea level rise.⁴ The project will produce energy without consequences for most energy users and without entailing mandatory reductions in use or providing alternatives to energy use. That is, while Applicants profess a need for extensive land and water resources to meet a renewable energy mandate, there is no mandate to limit some of the most energy-intensive industries and operations on Kaua'i, including tourism and luxury housing outgrowth. The project also ignores the massive consumption of water and drastic changes proposed for the ditch system, draining the watershed allowing for and encouraging evasive species and a total upending of stream flora and fauna. There is no explanation/quantification of non-green energy that will be retired. Rather, the KIUC/AES proposed projects constitute an enormous land and water take that threatens the very sustainability of our most precious resource, water at a time of clear climate change.

The 2d DEA does not address the potential, damaging positive-feedback loop of increased power generation and increased usage foreseeably exacerbated by the project. One means of doing so would be to incorporate an environmental justice analysis into the assessment of economic impacts of burdening West Kaua'i communities with the impacts of the large-scale project and alienating the benefits towards other areas of the island. *See infra* Part 4. The impacts of renewable energy projects, including the instant one, should be more equitably distributed to prevent insulating the benefitting communities and thereby engendering a perception that further development can be endlessly supposed by more and more energy projects.

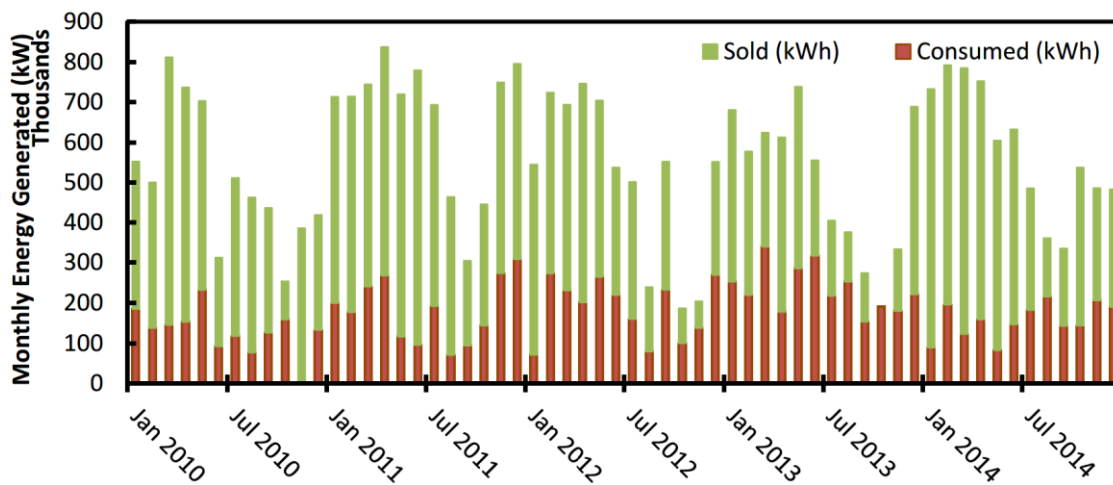
4. Significant impacts of the project on social and economic welfare undisclosed.

a. Project displacement of impacts to West Kaua'i community is an environmental justice issue.

The project will burden West Kaua'i communities with a land- and water-intensive project, while the surplus of the energy generation will be incorporated into the KIUC power grid for use elsewhere. Even without the project, most of the energy produced in the area is committed back to the KIUC grid instead of being used in West Kaua'i as shown in the below chart excerpted from the 2d DEA.

⁴ Armstrong et. al, "Indications of a positive feedback between coastal development and beach nourishment," 4 *Earth's Future* 626, 633 (2016) available at: <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2016EF000425> (citations omitted).

Figure 13-9. Bar chart of total monthly energy produced and consumed by Kekaha Agriculture Association and their lessees and the total energy sold to Kauai Island Utility Cooperative. (Source: Kekaha Agriculture Association, 2015)



Source: 2d DEA V.2, Appx. B at 143 (IFSAR at 110).

West Kaua‘i residents responding to Applicants’ call for comments pointed out the absence of the specific benefits from KIUC existing projects on the local communities that host them. *See* 2d DEA V.5 at 858 (Malia Chun, Hawaiian homesteader: questioning “how any benefits KIUC’s existing solar farm on Anahola Hawaiian Homelands is directly and positively impacting DHHL beneficiaries. Where is the revenue going? Who and how is it directly benefiting homesteaders and our community?). The project exacerbates environmental injustice through the unequal distribution of the benefits and consequences of the project, with the latter burdening the lower-income communities of West Kaua‘i.

Similarly, Earthjustice’s comment requested that Applicants’ describe “all community benefits KIUC plans to provide in connection with the development of the project” with specific reference to “DHHL, homesteaders, and other stakeholder organizations” and “the broader West Side community where the project will be sited.” 2d DEA V.5 at 654. Applicant stated this information would be included in the DEA. However, despite that assurance, the 2d DEA includes no such particularized benefits for the most-burdened community. *Id.* V.1 at 2-1.

Urban planner Nanea Lo commented that Applicants’ DEA “does not provide facts to support ‘saving the Kaua‘i rate payers money by shifting those expenditures so that more of the dollars are retained locally.’” 2d DEA V.5 at 856. As currently proposed, the project does not even recognize the unequal burdens imposed on Kaua‘i’s most vulnerable communities. In fact, KIUC in their Board meeting, recently discussed their plan to increase their rates in a planned ratepayer hearing before the PUC.

The issue means more than providing funding for West Kaua‘i communities to compensate them for unequal economic burdens. As discussed *supra* Part 3.b, rendering the burdens and costs of renewable energy projects more visible and immediate to the benefitting communities elsewhere on Kaua‘i is one means of mitigating the false sense that energy can be endlessly manufactured to support unsustainable growth and energy consumption. One means of accomplishing this would be to develop other pumped storage projects in areas where the energy is most used, but not generated, such as Līhu‘e and Princeville. *See infra* Part 6.

- b. *Financial benefits of the project will not remain in Kaua‘i and information disclosed appears inconsistent with Public Utilities Commission filings.*

Under Applicants’ proposal, significant amounts of Kaua’i land and water are proposed to be recruited into a power purchase agreement (PPA) that promises large financial awards to a Colorado-based corporation (AES). This is a significant impact to social and economic welfare because it deprives communities of Kaua’i and Hawai’i of an opportunity to utilize these place-based resources for community-based renewable energy initiatives. Instead, it increases the economic hold of foreign entities on Hawai’i. The 2d DEA fails to take a hard look at the basic financial structure imposed by the project.

It is also evident that AES may be obtaining greater economic benefits than that approved by the Public Utilities Commission (PUC). In approving the PPA for this project, the PUC found “the contract price for energy is \$71.60 per MWh, or \$81.00 per MWh in the event the State of Hawaii Refundable Tax Credit is not available” (or \$0.07-\$0.08/kWh) and “[w]ith or without the benefit of the State of Hawaii Refundable Tax Credit, the PPA at issue here provides a more favorable rate than either AES Lawai (at \$110.80 per MWh) or AES Kekaha (at \$108.50 per MWh)” (or \$0.11-\$0.10/kWh).⁵ However, in this 2d DEA, Applicants’ “Economic Impact Assessment” states: “[u]nder the PPA, KIUC will purchase electricity from the developer at a levelized cost of \$0.14 per kWh.” 2d DEA V.5 Appx. N at 1. Elsewhere, the 2d DEA states: “[u]nder the PPA, KIUC conservatively expects to receive an annual total of 110 GWh (110,000 MWh), resulting in an average annual cost of \$156.44 (\$0.16 per kWh) with the State of Hawaii Refundable Tax Credit.” *Id.* V.1 at 5-140. These rates of payment to AES in the 2d DEA appear to be double what KIUC put before the PUC in obtaining approval for this project. So, how much is it that KIUC has actually contracted to pay AES and why are they reporting different numbers to the PUC from those of their 2d DEA??

5. Project water allocations significantly impact food production and agriculture.

The project is utilizing agricultural lands and reallocating water resources to industrial chemical development operations, none of which contribute to food security and sovereignty.

Table 13-6. Acreage and crop by year on the Mana Plain for the main leasees of the Kekaha Agriculture Association. (Source: Kekaha Agriculture Association, 2015) *average provided applicable to all years

year	Pioneer Hi-Bred (seed corn)	Syngenta (seed corn)	Syngenta (soy)	BASF* (seed corn, canola)	BASF* (rice)	BASF* (cover crop)
2010	405.10	514.95	1.84	106	6	300
2011	246.37	562.82	18.62	106	6	300
2012	343.77	605.15	21.35	106	6	300
2013		543.81	27.89	106	6	300
2014		420.28	24.81	106	6	300

2d DEA v.2 at 138 (Appx. B, IFSAR).

The project facilitates offstream diversion of water to “ADC agricultural fields on the Mānā Plain” which fields are currently used by non-food producing operations including the above. *Id.* V.1 at 3-2. The solar portion of the project is proposed for valuable agricultural “B” lands. 2d DEA V.5 at PDF665.

6. Additional feasible alternatives should be considered

The 2d DEA does not consider a plethora of reasonable and feasible alternatives that *could* lack significant impacts, while addressing the coming climate crisis and Kaua’i island energy needs.

a. Develop several closed-loop pumped storage projects in areas across Kaua’i, including areas where most of

⁵ PUC, Decision and Order No. 38095, at 78 (Dec. 1, 2021) *available at*:

dms.puc.hawaii.gov/dms/DocumentViewer?pid=A1001001A21L01B63015G04672 (approving the PPA between KIUC and AES).

the energy need is generated.

A relatively recent U.S. Department of Energy study compared the environmental impacts of open-loop and closed-loop pumped storage hydropower projects.⁶ The report concluded closed-loop projects generally have fewer environmental impacts as compared to open-loop projects: (1) are located “off-stream,” potentially minimizing aquatic and terrestrial impacts, and; (2) often have greater siting flexibility than open-loop projects. Also, the impacts to aquatic resources are typically lower for closed-loop projects than for open-loop, as closed-loop projects are not continuously connected to any naturally-flowing body of water.

Applicants could develop several closed-loop pumped storage projects in areas across Kaua‘i, including areas where most of the energy need is generated. These include areas where there are existing reservoirs and large expanses of developed properties, such as golf courses that would anyway require energy and could integrate the closed-loop storage projects into water features.

b. An ocean reservoir closed-loop project would not remove freshwater from natural sources.

From 1999-2016, the Yanbaru seawater pumped storage power station operated in Okinawa, producing electricity until the *lack* of need for energy in Okinawa, associated with reduction in military forces, made station operation unprofitable. There are also many closed-loop pumped hydropower projects operating throughout Japan that could be exemplary models for Kaua‘i because of their minimally consumptive use. Seawater is plentiful around Kaua‘i and could be a better substrate for storing energy as it would not compete with other needs for freshwater.

c. Remove the Pu‘u ‘Ōpae hydroplant from the proposal.

For reasons described *supra* Part 1, the project should remove at least one hydropower plant from its proposal. There is no clear need for this hydropower plant to be sited in this community. Installation of more infrastructure along the diversions and ditches, including the Pu‘u ‘Ōpae hydroplant, increases the risk that the water will not be returned to the stream, further competing with the IIFSs need.

d. Implement mandatory energy usage reductions

KIUC could develop mandatory energy cutbacks in order to phase out improper, wasteful, and unnecessary energy uses. These differ from elective efforts and public education campaigns in that these would initiate more effective behavioral and economic changes in KIUC users. Current practices have only facilitated further, energy consuming actions and developments. Addressing levels of consumption, instead of production, is a feasible alternative to at least part of the project.

7. Failure to Adequately Address Economic Impacts for the Proposed Project

In their 2d DEA there is a glaring failure by KIUC to consider the financial impact of these projects on the ratepayers of Kaua‘i. As the following table from their independent financial audit details, KIUC, not-for-profit COOP and its ratepayers have a current debt load (already incurred) of \$255,000,000. How much additional costs

⁶ Pacific Northwest National Laboratory, “A Comparison of the Environmental Effects of Open-Loop and Closed-Loop Pumped Storage Hydropower”, supported by U.S. Dep’t of Energy Water Power Technologies Office, Rep. No. PNNL-29157 (Apr. 2020) *available at*: www.energy.gov/sites/prod/files/2020/04/f73/comparison-of-environmental-effects-open-loop-closed-loop-psh-1.pdf

for the development of these projects is it reasonable to require commercial and residential accounts to bear, particularly where the need for them is not clearly and quantifiably put forth. Kaua‘i is a small island and it is outrageous to feel that the 30 plus thousand commercial and residential accounts will ever be capable of retiring the existing debt load let alone a significant increase thereof for the proposed projects.

“Principal maturities of long-term debt for the next five years and thereafter are as follows:

2022	\$ 14,422,637
2023	13,356,576
2024	10,778,918
2025	11,061,139
2026	11,364,586
Thereafter	<u>194,627,082</u>
	<u>\$ 255,610,938”</u>

KIUC Independent Audited Financial Statement 2021

https://kiuc.coop/sites/default/files/documents/audited_financials/2021-AuditedFinancialStatements.pdf

When making a determination on KIUC’s 2d DEA/FONSI, shouldn’t KIUC have to explain how these projects are of no significant impact on an environment with significant limitation in solid waste (landfill on borrowed time from the EPA), five aging wastewater treatment, overcrowded roads and a limited water supply currently restricting development, all of which were not analyzed when addressing the need for these proposed power producing projects.

This Comment is filed on behalf of our 1,000 plus members.

Bridget Hammerquist, President
 Friends of Maha‘ulepu, a 501(c)(3)
 Kia‘i Wai o Wai‘ale‘ale, Co-founder
 PO Box 1654
 Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
 (808)742-1037



Comment No. 49

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:22 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

From: Erica Garabitez <ericagarabitez@gmail.com>**Sent:** Sunday, October 9, 2022 8:10 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kauai energy project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published has raised more questions than answers about how this project will affect the health of Waimea river and the quality of life for its residents.

Mahalo,
Erica Garabitez



Comment No. 50

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:06 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Hayley K Giorgio <hayleygiorgio@gmail.com>**Sent:** Thursday, October 6, 2022 12:25 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo Nui for your time.

Aloha,

Hayley K Giorgio

POB 1669 Hanalei, HI 96714

(808) 482-0289



Comment No. 51

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Comments on West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:28 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Rich Gioscia <richardmgioscia@gmail.com>**Sent:** Monday, October 10, 2022 2:00 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Comments on West Kauai Energy Project

Aloha

My home is located at [8589 Kaumualii Hwy](#) in Kekaha.

I have the following concerns and questions regarding the project:

- What will be the hours of operation for construction of the project? Will there be night time activities?
- Will construction and deliveries be performed on weekends?
- What will be done to mitigate the increased traffic on Kaumualii Hwy ?
- How will the safety of residents walking and biking along the highway be ensured?
- The highway already has uncontrolled speeding that is not being regulated. What steps will be taken to ensure that this situation is not compounded by the project? I would like speed mitigation measures installed.

Mahalo

Rich Gioscia



Comment No. 52

Admin Joule <admin@joulegroup.com>

KIUC/AES 9-8-2022 2nd Draft EA

Sharon Goodwin <sharonmokihana@gmail.com>

Sun, Oct 9, 2022 at 11:41 AM

To: jchang@ssfm.com, lauren.e.yasaka@hawaii.gov, admin@joulegroup.com

To All Those Concerned,

KIUC seeks a Permit to pull 23.5 million gallons daily (mgd) out of the Koke`e Watershed for a large new hydro power plant.

KIUC released a 2nd Draft EA 9-8-2022, after their 1st Draft EA released Fall 2021 was failed by DLNR. With both Draft submittals, KIUC claims their project will have "findings of no significant impact to the environment".

A FONSI is simply not believable.

The KIUC/AES proposed projects push is a huge land and water grab that will threaten Kauai`i's most precious resource,
WATER!

A proposed 65-year lease as scientists struggle to learn about changes in climate; weather that is resulting in horrific storms, hurricanes, tornadoes, floods, droughts, cold and heat extremes, wind patterns, land structures, land and mountain erosion, beach erosion and accretion, changes in water flows, last but not least, human interventions.

That changes in climate have been visited globally upon our Earth and on Kaua`i Island begs for 2 immediate considerations and approvals from KIUC:

- 1) That this Project in its scope requires an Environmental Impact Statement (EIS) so the public has opportunity to voice concerns and so environmental, economic, social and cultural impacts may be disclosed.
- 2) That KIUC accept a year-to-year lease like that of RP 7340 (Wai`ale`ale--Blue Hole Diversion) which requires the following
 - (1) Approved EIS
 - (2) KIUC abide by HRS 171-58
 - (3) Conservation district use application applied for and approved
 - (4) The extracted water be non-consumptive and be used in non-polluting ways
 - (5) The extracted water be returned to the Stream of Origin
 - (6) KIUC pay for the water
 - (7) The Lease have prior approval of the Governor and prior authorization of the Legislature by Concurrent Resolution

I submit the above for your consideration,

Sharon Goodwin
Kapa`a Homesteads, Kaua`i



Comment No. 53

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] WKEP Revised Draft Environmental Assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:07 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Sheryl Grady <808grady@gmail.com>

Sent: Thursday, October 6, 2022 2:14 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] WKEP Revised Draft Environmental Assessment

Aloha,

I am writing to convey my support of KIUC's revised draft environmental assessment. I believe a comprehensive analysis was conducted and the FONSI is well supported. The WKEP is a beneficial project for the community of Kauai and I would love to see this project move forward. Thank you very much for your time and consideration.

Sincerely,

Sheryl Grady

Kauai resident supporting WKEP



Comment No. 54

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] West Kauai energy project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:27 AM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Madeleine Greczyn <skatebunny89@yahoo.com>

Sent: Friday, October 7, 2022 7:27 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] West Kauai energy project

Aloha,

I am writing to request a full environmental impact statement for the west Kauai energy project being proposed by KUIC. Their proposed lease of 65 years will not only affect an entire generation of residents within that time, but also has many unknown impacts on the natural ecosystems of that area. It is a civil duty for them to be held accountable, be transparent, and have done due diligence before going forward. This affects not only the community, but will set a precedent for the future.

Thank you,

Madeleine greczyn

Sent from my iPhone



Comment No. 55

Dawn Huff <dhuff@joulegroup.com>

Fwd: Support for KIUC's Draft EA for the West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:16 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Shawn Shimabukuro <sshimabukuro@grovefarm.com>**Sent:** Friday, October 7, 2022 5:33 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Support for KIUC's Draft EA for the West Kauai Energy Project

[Quoted text hidden]

**DLNR - Support for KIUC's EA_2022OCT07.pdf**

1882K



October 7, 2022

Ms. Lauren Yasaka
DLNR – Land Division
1151 Punchbowl Street, Room 220
Honolulu, Hawaii. 96813
lauren.e.yasaka@hawaii.gov

Subject: Support for KIUC's West Kaua'i Energy Project Draft Environmental Assessment

Dear Ms. Yasaka:

Grove Farm Company, Incorporated is in strong support of Kaua'i Island Utility Cooperative's (KIUC) Draft Environment Assessment relating to the West Kaua'i Energy Project (WKEP). This project is important to building a sustainable energy model for Kaua'i and to serve the many beneficial users of the water system.

This innovative project will be a critical component that will allow KIUC to successfully reach their renewable energy goals. Hydropower is the cheapest form of renewable energy, and it is firm power, meaning it is available 24/7. And most importantly, these facilities displace the consumption of fossil fuel.

The water that flows through the historic plantation era water systems – making it a “non-consumptive” use of water will continue to benefit many end users including taro farmers and the agricultural industry.

Aside from these beneficial uses of water, all KIUC members benefit from the savings of operating the least expensive and most reliable form of renewable energy, combined with the reduced generation of greenhouse gases.

Furthermore, during adverse weather – which has been occurring more frequently -- it is KIUC who has the oversight to clear rocks and debris to ensure the systems are running properly. This alleviates government from having to maintain the historic water system.

We strongly urge you to support the Draft Environmental Assessment for KIUC's WKEP. This project brings KIUC closer to achieving their renewable energy goals that benefits our island's residents.

Thank you for your consideration.

Sincerely,

Warren H. Haruki

Warren H. Haruki
President & CEO





Comment No. 56

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:10 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Dani <danielfrisco@gmail.com>

Sent: Friday, October 7, 2022 6:32 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative.

A full EIS is needed to analyze alternatives to the major impact on existing life in this area; to evaluate harms this project would inevitably incur, and the LAW requires an EIS.

To give a free pass to this project would be a dereliction of your duty in the eyes of a community reaching much farther than the island of Kauai.

Mahalo,

Danielle Guión
Makakilo, Hawaii

Sent from my iPad



Board of Directors:

Oct 10, 2022

Gary L. Hooser
President

State of Hawai'i, Department of Land and Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

Andrea N. Brower
Ikaika M. Hussey
Co-Vice Presidents

Attn: Lauren Yasaka

Kim Coco Iwamoto
Treasurer

Michael Miranda
Secretary

Paul Achitoff

Kaleikoa Ka'eo

Walter Ritte Jr.

Pua Rossi-Fukino

Karen Shishido

Leslie Malulani Shizue Miki

Aloha Ms. Yasaka,

I am writing on behalf of the Hawai'i Alliance for Progressive Action (HAPA) to request a full environmental impact statement (EIS) for the West Kaua'i Energy Project (WKEP) being proposed by the Kaua'i Island Utility Cooperative (KIUC). The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

HAPA supports the goals of increasing renewable energy production, water allocations for the development of Hawaiian Homesteads, and increasing local food production. While the WKEP seeks to address all of these goals, it is not clear that KIUC has conducted significant analysis to ensure that these needs are being met sustainably.

The Long-term Impacts of Consumptive Use of 11MG/D are not Analyzed in the Draft EA:

We know the devastating impact that stream diversions have on the people and wildlife that depend on them. We should not double-down on the destructive choices of the past. Now is the time for new innovative solutions to Kaua'i's climate challenges. We need solutions that protect water as a vital

lifeblood that it is. Solutions that do double-duty producing renewable electricity and growing food for local consumption.

Decreased rainfall due to climate change is already occurring and only projected to worsen in the future. Will diverting 11MG/D be sustainable decades from now? Long term leases, such as the 65 year allocation of 11MG/D that this project is currently proposing require a greater deal of scrutiny that the more in-depth analysis of an EIS can provide.

KIUC has explored the possibility of pumped storage, non-consumptive hydropower generation which would allow more water to stay in the stream. However from the brief description in the EA, it is not clear why DHHL developments are contingent upon KIUC's preferred consumptive model. Any supposed immediate cost savings should be weighed with the possible long-term costs and impacts related to excessive water diversion - impacts on the local stream ecosystem, downstream users, the impact of water dumping from ditches into nearshore fisheries, water availability in the long-term etc.

No Clear Plan for Diversified Agriculture & Local Food Production:

Furthermore the reservation of 3.55 MG/D for Mānā ADC tenants does not appear to be informed by any analysis of needs. The burden falls on diverters to demonstrate a reasonable use to justify this consumptive allocation. No such analysis of the Mānā ADC tenants needs has been articulated in this assessment.

While the EA vaguely mentions the possibility of "diversified agriculture" that could provide food for local consumption in the Māna, there is no clear plan or strategy to inform how this will occur. The licenses/leases for the 12,500 acreage of public ag lands under the purview of the Agribusiness Development Corporation (ADC) are largely devoted to agrochemical research and development, not food for local consumption. Any allocation of waters for diversified agriculture should be based on demonstrated needs and a real plan for increasing local food production, not based on a vague commitment.

ADC Lands Home to Most Frequent Application of Restricted Use Pesticides:

An analysis of 2019 statewide data on the application of restricted use pesticides (RUP's) shows the 12,500 acre west Kaua'i ADC parcel as home to the most

frequent application and greatest combination of RUP's in the state of Hawai'i. RUP's are classified as more highly toxic than general use pesticides and are therefore more strictly regulated. These RUP's are applied on test fields directly adjacent to the ocean and Polihale State Park.

All of the RUP's utilized on these ADC lands have well documented associated health and environmental impacts (including toxicity to aquatic species), yet no comprehensive environmental assessment of how this ever changing cocktail of RUP's might affect the local environment and public health has been conducted. Given that RUP usage data has only been mandated and publicly available since 2019, up until recently it has been impossible to know what exactly to test for in adjacent waterways & ditches.

Many studies have found that various types of pesticides regularly drift off-target and migrate through run-off. This could make sustainable farming practices, such as farmers seeking organic certification, almost impossible on these lands. Furthermore the EA does not assess the environmental impacts of off target migration of pesticides from adjacent ditches into the ocean. The consumptive water use proposed in this project only exacerbates run-off.

Local residents fish and recreate at nearby beaches. It is not clear how increased and potentially pesticide laden run-off might impact both the local fisheries and those who depend upon them.

Please require KIUC to conduct a full environmental impact statement to ensure that the waters of West Kaua'i are managed sustainably for future generations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized, cursive script.

Anne Frederick
Executive Director



Comment No. 58

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Wed, Oct 5, 2022 at 11:35 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Kehaulani Harpstrite <harpstri@usc.edu>**Sent:** Wednesday, October 5, 2022 11:35 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I hope that this message finds you well. I am writing in hopes that we can make the best choices for the greater ecosystem that we are a part of, specifically the watershed above West Kauai that I call home.

I request a full environmental impact statement for the West Kauai Energy Project being proposed by KIUC . The second environmental assessment that they published raises major concerns about how such a project will impact the land, river, and fishery areas.

Much of my family's food sources come from the fish in the waters in question, so this directly affects us. We, and all of the residents of the Waimea River area, deserve to have a say, and full transparency regarding any major project that will impact our health and livelihoods, which is directly affected to the health of the land and waters.

Mahalo for reading this. I pray that you and all those involved make choices with the holistic consideration of not just the present moment and potential profits, but also seven generations ahead, considering with the utmost importance the wellbeing of our land and waters, our most valuable resource.

Mālama,

Kehaulani Harpstrite

Kekaha resident



Comment No. 59

Admin Joule <admin@joulegroup.com>

Form submission from: Revised Draft EA Comments

WKEP Outreach via WKEP Outreach <noreply@konveio.email>

Mon, Oct 10, 2022 at 8:21 AM

Reply-To: WKEP Outreach <noreply@konveio.email>

To: admin@joulegroup.com

Submitted on Monday, October 10, 2022 - 8:20am

Submitted by anonymous user: 204.210.126.28

Submitted values are:

First Name: Frank O.

Last Name: Hay

Email: kokee@okauai.com

Comments:

I have been a resident of the West Side of Kauai for almost fifty years. I have followed the West Kauai Energy Project since its inception. I believe that it is an intelligent and innovative solution to the energy needs on our island. I strongly support the project.

Me ke aloha,

Frank O. Hay

The results of this submission may be viewed at:

<https://westkauaienergyproject.com/node/27/submission/83>

Lauren Yasaka, Hawaii Dept. of Natural Resources
Email: lauren.e.yasaka@hawaii.gov

Subject: Testimony on the likely negative long-term environmental damage caused by the proposed development and operation of two hydropower facilities on Kauai by KIUC: with recommendations on how to prevent environmental damage

My name is Don Heacock, I am a fisheries biologist who has recently retired after 40 years as the Kauai District Fisheries Biologist, Division of Aquatic Resources (DAR), Hawaii Dept. Natural Resources. The mission of DAR is to protect and enhance the living aquatic resources and their habitats within the State of Hawaii, both in freshwater and marine ecosystems.

Also I have been a member of the American Fisheries Society (AFS) for most of my professional life. AFS's mission is to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science. AFS was established in 1870 and is the world's oldest and largest organization dedicated to conserving fisheries resources.

According to the AFS, "despite its (hydropowers) portrayal as a "clean" or "green" renewable energy source, hydropower development has caused significant environmental damage. Major river systems in the United States (e.g., the Columbia River on the West Coast, the Connecticut River on the East Coast, and the Colorado River in the Intermountain West) have lost the majority of their free-flowing reaches due to dams and impoundments. Declines of native fish populations, including important sport, commercial, and rare and endangered species, in these rivers range from an almost total loss of stream fauna to declines of 73% or more".

Hydropower development and operation is the most environmental damaging of all renewable energy sources. Hydropower development dewateres and significantly reduces the base flows of rivers and streams. It is the base flows that determine the carrying capacity (biomass and abundance) of these flowing ecosystems; therefore when there is a reduction in base flows there is a concomitant reduction in the carrying capacity and biomass of native Hawaiian stream animals, a loss of public trust fishery resources. Furthermore, during the operation of hydropower facilities, which include stream diversions, forebays, penstocks, turbines and tailraces, native fish, shrimp and snails in either adult, larval and/or juvenile forms become entrained and funneled out of the stream and into the hydropower system's diverted water intake where they are injured or killed by debris screens at the diversion or at the forebay, killed by impingement (being struck by turbine impellers), by extreme pressure change while passing from penstock (often around 3,000 lbs/sq in) into turbine, and if these public trust fishery resources survive this far they will most likely be killed in the tailrace from "gas bubble disease" caused by the supersaturation of nitrogen generated by high-pressure water striking the high velocity impeller blades of the turbine.

While I was professionally employed by DLNR/DAR's Environmental Protection Branch, I reviewed and commented on many hydropower proposals including Environmental Impact Statements on many of Kauai's rivers (e.g., Wailua, Hanalei, Waimea, Wainiha, Lumaha'i, etc.)

yet none of these proposed hydropower projects assessed the potential biological impacts on river/stream ecosystems (such as impacts caused by reduced base flows on the abundance and biomass of native stream biota). Additionally, none of these assessments conducted studies to determine the survival rate of our larval and adult native fishes, shrimps, and snails, of which about 90% are endemic and found nowhere else on earth, at any of the existing hydropower facilities on Kauai or elsewhere in order to determine actual impacts to public trust fishery resources. Furthermore, in all the DEA's and EIS's I have reviewed, there has been no economic analysis (i.e., cost-benefit analysis) on the monetary value of public trust fishery resources that are being killed and lost in the existing hydropower developments on Kauai. Our amphidromous native Hawaiian fishes, shrimp and snails have larval forms that drift from one island to another; therefore any cumulative impact studies on the effects of hydropower development on stream ecosystem biota should consider hydropower facilities statewide.

Finally, based upon the AFS policy on hydropower's negative environmental impacts, and on other published and peer-reviewed studies on the negative impacts of hydropower developments on lotic ecosystems (rivers and their streams), I recommend the following steps be taken on the proposed KIUC hydropower developments:

- 1) Look at alternatives to reducing base-flows of rivers and streams, such as diverting only portions of high flows and using these public trust waters for pumped-storage energy production; diversion of a portion of these high-flow waters will not significantly affect the stream biota like diverting of base-flows will;
- 2) Install diversion wings, rotating fish-screens and other known methods to prevent our native Hawaiian migratory fishes, shrimps and snails from being entrained into hydropower diversion ditches. Our native fishes, particularly our 'o'opu nakea is so economically and culturally important that it is the only species of fish, in both freshwater and marine, that early Hawaiians named a god after it. These materials and methods to prevent entrainment should be developed in direct cooperation with the US Fish and Wildlife Service, Army Corps of Engineers and the HDLNR;
- 3) When hydropower development assessments are made, they must consider the cumulative impacts of all existing hydropower facilities on both lotic and nearshore marine ecosystems, since most of the larvae of our stream biota become food for nearshore marine fishes and invertebrates, these ecosystems are inextricably connected;
- 4) Inter-basin transfer of river/stream water from one watershed to another should be prohibited, primarily to stop the movement of alien aquatic species; instead, government should focus on restoration of instream flows, particularly base-flows, and on the overall restoration of watershed integrity (form and function);
- 5) Finally, government agencies should work as soon as possible with the affected watershed communities, particularly with native Hawaiians, to develop a comprehensive and sustainable watershed resources management plan.

Sincerely,
Donald E. Heacock
Cell: 808-645-0532



Comment No. 61

Admin Joule <admin@joulegroup.com>

Against Pump Storage plan for westside

larry heller <hellerl001@hawaii.rr.com>

Mon, Oct 10, 2022 at 10:16 AM

To: lauren.e.yasaka@hawaii.gov

Cc: admin@joulegroup.com, jchang@ssfm.com, Joan Heller <myoho@hawaii.rr.com>

Lauren Yasaka, Dawn Huff, & Jared Chang

The Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources. Why hasn't looked into just using ocean water in such a closed pump storage system instead of pulling from our fresh water streams? An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities.

A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS).

There has been No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system. Running a grid on renewable power sources is difficult enough without adding in the significant impact of building two new hydro-plants. Also the Financial benefits (if any) from the project will not remain in Kaua'i (off island operator, AES). Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.

Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added to by these projects.

Try much more aggressive conservation of electricity use before any new expensive projects go into effect.

larry heller

hellerl001@hawaii.rr.com



Comment No. 62

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:46 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Orlando Hernández <orly.hernandez@gmail.com>**Sent:** Monday, October 10, 2022 12:57 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Hi Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Your action on this issue is crucial, both to respect and protect Hawaii's people and environment, and to stop the destructive choices that have led to the climate crisis we're in today.

Sincerely,

Orlando Hernández

he/him/his

www.orlyhernandez.com

Comment No. 63

Dawn Huff <dhuff@joulegroup.com>

FW: EPI Needed for West Kaua'i Energy

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 11:47 AM

From: Lorna Holmes <lholfmes@hillsdale.edu>
Sent: Friday, October 7, 2022 11:47 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EPI Needed for West Kaua'i Energy

Aloha Ms. Yasaka,

Please make sure that they do a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. An environmental assessment such as they published is totally inadequate. We are all concerned about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Dr. Lorna Holmes

Honolulu 96817



Comment No. 64

Admin Joule <admin@joulegroup.com>

Opposition to WKEP

Kevin Houck <kevin@drinkmorekava.com>

Tue, Oct 11, 2022 at 8:22 AM

To: "admin@joulegroup.com" <admin@joulegroup.com>

attn Dawn Huff + WKEP,

Aloha,

I am writing to state my opposition to WKEP project. I appreciate the talk story sessions that were held in the last year and I am thankful to the committee for answering the questions from the community, and I am grateful to Ms. Huff for receipt of these comments. Unfortunately I cannot be in support of the project on the grounds that it will negatively affect recreational user days for whitewater kayak users.

Portions of the Waimea River section from Wiliwili Camp to Waimea town are boatable for experienced rafters / paddlers on flows > 100 cubic feet per second on the Waimea town gauge. There is no doubt that the WKEP project will most significantly affect flows on days of low-moderate flow, hence limiting usability for recreational kayakers and paddlers. If you would like more information about this please do not hesitate to contact me. While I appreciate the renewable energy approach I cannot stress enough the importance of maintaining natural river flows for the guarantee of recreational use.

Professional whitewater users agree that the Waimea and Wailuku (Maui) rivers are the only reliably boatable rivers in the state. The WKEP project puts this precious resource in jeopardy.

Mahalo for your time and consideration of this commentary.

Kevin Houck
PO Box 401
Waimea, HI
96796
(808)631-9519



Comment No. 65

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 8:06 AM

-----Original Message-----

From: Mele Huddy <melehuddy@gmail.com>
Sent: Tuesday, October 4, 2022 8:27 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative.

The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,
Mele Huddy
808-639-4291

Comment No. 66



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:26 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: iwi kua <iwikua@gmail.com>**Sent:** Sunday, October 9, 2022 10:05 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full Environmental Impact Statement. I am requesting an EIS as a Waimea resident who serves the community as the Executive Director of Iwikua, a wellness based non-profit, and as a farmer who supplies the westside with some of the only locally produced organic and regenerative vegetables within our moku. Our relationship to our 'aina and our wai is one that has suffered for generations due to the old plantation water diversions, but now we finally have a chance to start talking about the impact that they had and future projects will have on our community, land, and water source. The information in the EA is simply not enough to convince me, and I have attended every KIUC meeting about this project over the past 8 years. It also is not enough to convince the majority of our community that giving away millions of gallons of water each day, from our already depleted waimea river, to a foreign company for 60 years, will have little to no impact on our land, our people, and our relationships. The quality of life for our people runs parallel to the health of our water source, so if a project of this scale does not complete an EIS, it is a massive mistake. Mahalo for your time.

--

Joshua Dean Iokua IkaikaLoa Mori

Executive Director

IWIKUA

9935 Kaumuali'i Hwy / PO Box 851, Waimea, HI 96796

808-652-2127 | www.iwikua.org

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Comment No. 67

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:24 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Waikiki - Hawaii Condo <hawaiicondo@yahoo.com>**Sent:** Sunday, October 9, 2022 2:32 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha,

Please require a thorough Environmental Impact Statement for the West Kaua'i Energy Project.

Don't let future generations dealing with the fallout have to wonder why one was not done.

Mahalo,
Kim Jorgensen
Honolulu



Comment No. 68

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Tue, Oct 11, 2022 at 8:20 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: R Kahoohalahala <k.mehana@gmail.com>**Sent:** Tuesday, October 11, 2022 8:20 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i

Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Roselani Kaho'ohalahala



Comment No. 69

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] KIUC West Kaua'i Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:29 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Holly Kaiakapu <hkaiakapu@gmail.com>**Sent:** Monday, October 10, 2022 6:45 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] KIUC West Kaua'i Energy Project

Hi Ms. Yasaka,

I am writing as a member of the West Kauai community to request accountability for the diversion of Waimea River with an environmental impact statement for the West Kaua'i Energy Project that is proposed by the Kaua'i Island Utility Cooperative. They published a second environmental assessment that raised more questions than it did answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. I believe the only way forward is to complete a full EIS.

Mahalo for your time.

Aloha,
Holly Ka'iakapu



Comment No. 70

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] WKEP I support the west Kauai energy project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: terry kamen <terrykamen@gmail.com>

Sent: Thursday, October 6, 2022 10:29 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] WKEP I support the west Kauai energy project

Dear Lauren,

I believe the revised DEA is comprehensive and the FONSI is well supported, I feel WKEP is a beneficial project for the community and I would like to see it move forward.

Self sufficiency for Kauai is becoming more and more important as the world gets more unstable.

We cannot delay important projects any longer.
Please approve ASAP

Aloha

Terry Kamen

808-651-0071

Precinct Chair Of Koloa Democratic Party Koloa



Comment No. 71

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Kauai EIS

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:45 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: FAMILY EMAIL <mjkkcobbadams@gmail.com>**Sent:** Monday, October 10, 2022 12:32 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Kauai EIS

To who it may concern,

Please do not allow this to happen. The water already runs warm. By taking more water with cause change to the river. This will kill our native wildlife and faunal. Yet his will also destroy the kalo crops of the native Hawaiian farmers! The warm water will allow for bacteria grow and cause the kalo to die. The lack of the water flow will also cause invasive algae choke out the life from the stream! Please let the stream flow the way it has flowed for thousands of years.if they take the water put back where it belongs. Please do the right thing and conduct the proper testing and environmental impact statements. It is only right.

Mahalo,
Kaneakala
Sent from my iPhone



Comment No. 72

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:18 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Jacqueline K Kanna <info@jkannadesign.com>**Sent:** Friday, October 7, 2022 7:53 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP revised draft environmental assessment

Aloha, Lauren.

My name is Jackie Kanna and I am born and raised on the Westside of Kauai. After college, I returned back home to raise my family as most of us Westsider's tend to do if jobs permit.

I believe that the revised DEA is a solid and comprehensive analysis and the FONSI is well supported.

I also strongly believe that WKEP is a beneficial project for our community and for our island and would like to see it move forward.

Sustainability and using our resources to help our community is important to me.

I am in support of WKEP.

Sincerely,
Jackie Kanna

Jacqueline K Kanna
j.kanna design, LLC
808.635.2645
PO Box 797, Hanapepe, HI 96716
www.jkannadesign.com



Comment No. 73

Admin Joule <admin@joulegroup.com>

Form submission from: Revised Draft EA Comments

WKEP Outreach via WKEP Outreach <noreply@konveio.email>

Tue, Oct 4, 2022 at 8:50 AM

Reply-To: WKEP Outreach <noreply@konveio.email>

To: admin@joulegroup.com

Submitted on Tuesday, October 4, 2022 - 8:50am

Submitted by anonymous user: 204.210.108.89

Submitted values are:

First Name: Andy

Last Name: Kass

Email: a_kass@yahoo.com

Comments:

Hello,

I'm grateful for all the careful planning and mitigation work that is being done for the WKEP. Our island needs this renewable energy source and storage facility. As a frequent visitor to Koke'e and Waimea Canyon State Parks, I am heartened to see the rehabilitation of the Koke'e ditch, so long in disrepair and limited in access.

My one comment about the project is at the site of the Waiakōali Diversion. I have noticed the damages to the dam and I am glad it will be rehabilitated. However, the old infrastructure also includes some small cement dams or weirs downstream of the dam and road, near the camping area. These old and unmaintained structures create stagnant ponds and are a hazard near the campground. I would like to see these structures assessed and addressed by this project, and then hopefully removed as part of the stream restoration and flow management included in this project.

Thank you for your work,

Andy Kass

The results of this submission may be viewed at:

<https://westkauaienergyproject.com/node/27/submission/79>



Comment No. 74

Dawn Huff <dhuff@joulegroup.com>

Fwd: WKEP Revised Draft Environmental Assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:48 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

From: Mark Perriello <mark@kauaichamber.org>**Sent:** Monday, October 10, 2022 2:55 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP Revised Draft Environmental Assessment

Aloha,

The Kaua'i Chamber believes that the revised DEA is a comprehensive analysis and the FONSI is well supported.

The WKEP is a beneficial project for the community and the Chamber would like to see the project move forward.

Thank you for your consideration.

Mark Perriello
President & CEO
Kaua'i Chamber of Commerce
(808) 245-7363

Comment No. 75

Admin Joule <admin@joulegroup.com>



testimony on KIUC energy projects

Laurel Brier <browerr001@hawaii.rr.com>

Mon, Oct 10, 2022 at 8:04 AM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

October 10, 2022

To:

Lauren Yasaka, Department of Land and Natural Resources
lauren.e.yasaka@hawaii.govDawn Huff, Kaua'i Island Utility Cooperative/AES West Kaua'i Energy Project, LLC
admin@joulegroup.comJared Chang, SSFM
jchang@ssfm.com

Re: Kaua'i Energy Project

As people deeply concerned about the Climate Crisis, we are dedicated advocates for low carbon, renewable alternatives to fossil fuel. The West Kaua'i Plan for pumped storage electrical generation, offering firm energy at all times, appears to be an ideal opportunity for residents and KIUC to lower greenhouse gas emissions, and reduce our dependency on fossil fuel. Yet, many concerns are coming to light which should warrant a deeper investigation and the required EIS, because there will be impacts, environmentally and socially.

It is curious that the proposed pump storage operation for West Kaua'i has been lumped together with the little known proposed hydro power plant for the Koke'e watershed. Considering the water demands of these project is daunting. Apparently it will require 23 million gallons daily. Many of us were under the impression that the pumped storage operation was a closed loop project with water returning and being reused. Kaua'i like the rest of world, to one degree or another, is experiencing the impacts of climate change. Kaua'i is experiencing extreme weather with rain bombs and decreased rainfall and present drought conditions. How do we know the water needed for these projects, as proposed, will be available? What will be the impacts on the Waimea River and its tributaries be given the likely decrease in future rainfall? What will be the impact on the aquatic ecosystems or the plans for mandated streamed restoration?

How can we say a project of this magnitude will have 'no significant impact' and be okay with a 65 year water lease with a precarious future for our water supply and other climate impacts? Why these two huge projects without a transparent calculation for future energy needs? Is KIUC gearing up to meet the extraordinary demands of the military radar that was proposed for Kaua'i? How can our coop afford these two projects at a time when KIUC's debt in the hundreds of millions?

There is a need for more information, greater transparency, better planning and exploration of alternatives with the serious, scientific consideration of the future impacts of climate chaos. We absolutely need a full Environmental Impact Study.

Respectfully Submitted
Laurel Brier w/
Kaua'i Climate Action Coalition

|



Comment No. 76

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:08 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Sabra L Kauka <sabrakauka@icloud.com>

Sent: Thursday, October 6, 2022 3:44 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] Require EIS for WKEP

Aloha Lauren,

This is a request to require an EIS for the West Kaua'i Energy Project.

We need to know more about what the impact could be on the Mānā plain. And we need to look at this as thoroughly as we can in advance of the project.

I support KIUC's goal for Kaua'i to be energy self-sufficient and I congratulate KIUC on doing remarkably well thus far.

Please take a closer look at the impact of diverting millions of gallons of water from the Waimea River to the Mānā Plain.

Malama Āina,
Sabra Kauka

PO Box 3870
Līhu'e Kaua'i HI 96766

Sent from my iPhone



Comment No. 77

Admin Joule <admin@joulegroup.com>

Comment on KIUC Second DEA

Eileen Kechloian <backonisland@gmail.com>

Fri, Oct 7, 2022 at 5:19 PM

To: admin@joulegroup.com, jchang@ssfm.com, lauren.e.yasaka@hawaii.gov

Aloha Lauren Yasaka, Dawn Huff and Jared Chang,

Please accept my comment. It's all about the water. Our State has historically and by law recognized water as one of our most precious resources. The public trust doctrine was developed so that every level of State government is responsible and is charged with protecting our water and other natural resources. In this case, the first evaluation that needs to be done by DLNR is whether there is sufficient water and land to do what KIUC proposes.

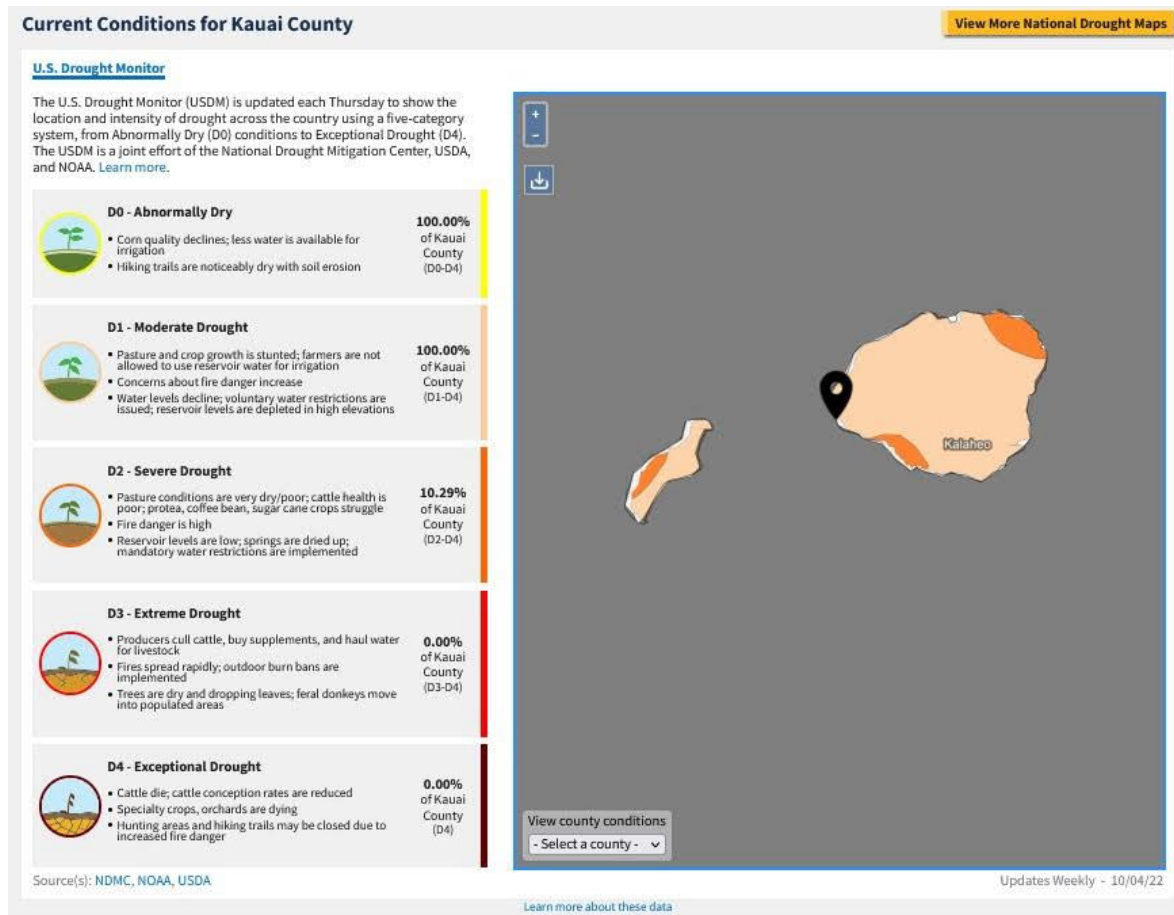
The proposed site is Ag land. Has the LUC been involved to redistrict hundreds of acres of Ag land that will be used to support the proposed commercial production of power? This second EA must not be approved. DLNR is required by law to confer with the LUC and determine if this project is in their purview prior to any decision making.

KIUC has not adequately assessed the availability and sustainability of the water withdrawal they propose to consume and permanently remove from multiple watersheds. These projects are both require copious amounts of water and there has been no determination that there will be enough water to operate them.

I am a KIUC ratepayer and very concerned that the Coop to which I belong is proposing two power projects that each rely on water to produce power without first evaluating the sustainable availability of the water they will need and the impacts of the large withdrawal of water on the watersheds involved. KIUC's second draft EA is akin to proposing the construction of a new age modern spaceship without first considering the availability of fuel to launch the spaceship.

I am appalled at the amount of money my Coop has invested in two EAs when Hawaii's water statute requires that anyone wanting to use ground or surface water needs to first have an approved Environmental Impact Statement (EIS) prior to issuance of a 65 year water lease. In the last 2 sessions of our legislature, bills were advanced proposing to change that requirement of HRS 171.58. The proposed amendments suggested deleting the EIS language and replacing it with language that required compliance with HEPA (which includes both EA and EIS). Those proposed amendments failed. HRS 171.58 requires an approved EIS as a "prerequisite" to any water permit or 65 year lease. Since KIUC states they intend to apply for a 65 year water lease, it makes sense to me that they do an EIS to show the water they want to remove from the ground or surface will not have a significant environmental impact. Once HRS 171.58 is complied with and approved then they can come to you with these projects. That would be the logical and proper order of events. The last thing our Coop needs is the expense of a hydropower plant with no water.

I don't find any detailed review of the stream sources or the quantity of water flowing through them. I found one stream gauge that KIUC averaged using the last 100 years of data. They then extrapolated that stream and treated the other streams as if they would all have similar data without confirming it or doing a comprehensive hydrologic analysis. There is little question that those wanting to avoid an accurate picture of climate change will try to use years of outdated data and extrapolation to hide the reality of climate change. I have lived on Kaua'i for more than 2 decades and I know our climate is today not what it was 25 years ago. A more accurate picture of what is happening with our water could have been gleaned by studying the rainfall information collected by the US government. There is a [drought.gov](https://www.drought.gov) website serviced by NOAA (National Oceanic and Atmospheric Administration). KIUC does not consider the 17 periods of severe drought and 15 of moderate drought with the months of drought increasing steadily since 2000. From 2019 to present with the exception of a few months, Kauai County has been in either moderate or severe drought. If KIUC had done an EIS to evaluate the impact likely from their proposed projects, they would have found the profound change in rainfall Kauai has experienced in the last 20 years. This site is current, interactive and contains more detail than reflected in the following charts. These charts, however, do establish we are in for longer periods of varying drought conditions as you'll notice. Even moderate conditions of drought impact 100% of the island. <https://www.drought.gov/states/hawaii/county/kauai>



Historical Conditions for Kauai County

2000 - Present (Weekly)

Explore Historical Maps

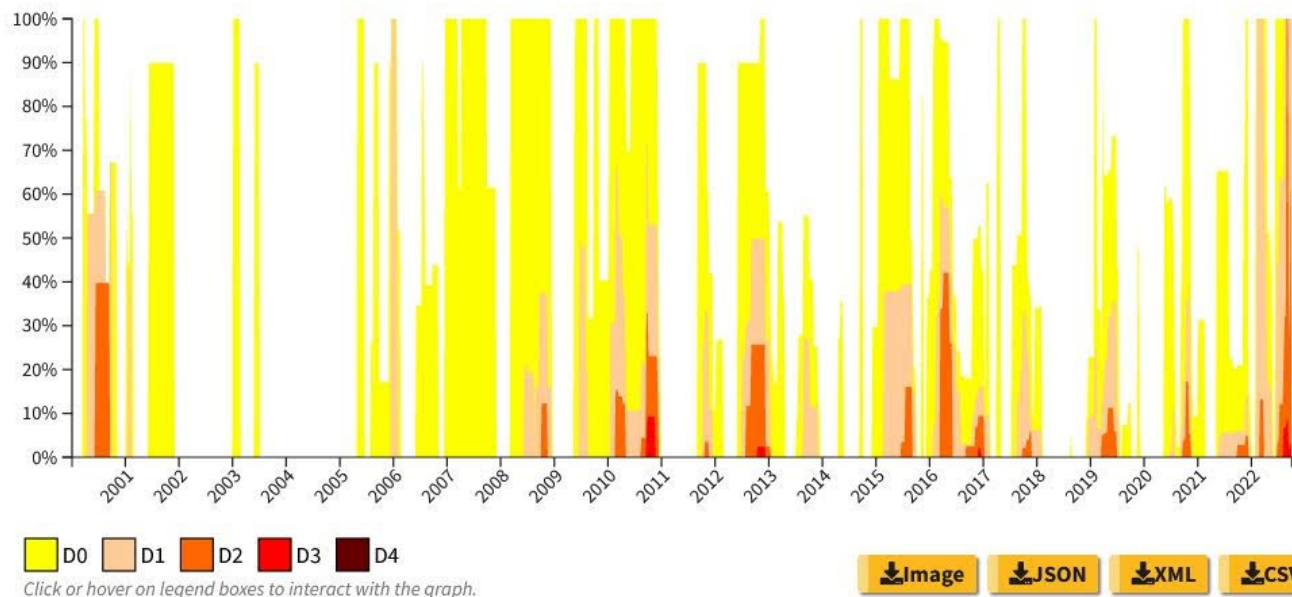
The U.S. Drought Monitor (USDM) is a national map released every Thursday, showing parts of the U.S. that are in drought. The USDM relies on drought experts to synthesize the best available data and work with local observers to interpret the information. The USDM also incorporates ground truthing and information about how drought is affecting people, via a network of more than 450 observers across the country, including state climatologists, National Weather Service staff, Extension agents, and hydrologists. [Learn more.](#)

Time Period (Years): to

Update Graph

Reset Graph

Latest Available Data: 2022-10-04



[Download screenshot of this panel](#) [Learn more about these data](#)

Drought has been catastrophic to Ag on Kauai. We need our Ag lands and we need them to have sufficient water. Neither an EA nor an EIS is allowed to be segmented. This project should not be segmented, allowing for consideration of their project concept without a true evaluation of the impact to the environment and all of Kauai. See the following Civil Beat article where farmers had to receive government aid just recently to survive the drought. <https://www.civilbeat.org/2012/09/usda-declares-kauai-drought-a-disaster/>

It is very disappointing that my Coop failed to consider the social, economic and environmental injustice of their projects on the West side. They are proposing to take a giant quantity of water from the driest side of the island with the greatest percentage of active agriculture. This makes no sense. The West side provides much of the islands workforce. Does KIUC think there will be no one in the community who objects and no one on the rest of the island that will object? Saddling all of us with the hundreds of thousands of dollars spent on two EAs seeking to get agency approval without any evaluation of the source waters must not be allowed.

Please, stop this travesty and force KIUC to consider the water first which is absolutely essential and pivotal to the operations they propose. If KIUC's position is they want approval and then they will go evaluate the water it should be obvious that their approach is clearly backwards. No question, in their second DEA, they have put the cart before the horse at ratepayers expense. With all of their work to increase solar power on island, our rates have not gone down and we just learned from the recent Board meeting that they intend to ask the PUC for a 7% rate hike. KIUC has long term fuel purchase agreements that prevent them from retiring fuel based power generation. They aren't proposing to retire any old hydro power generators. Their second DEA doesn't clearly establish why these projects are needed at this time.

We have roads that are overcrowded and in poor repair. We have a landfill that is on borrowed time. Our fresh water resources are limiting new construction and we have one source of all the water on the island which has been steadily getting less rain for the past 23 years. Please do not accept KIUC's second DEA. It is truly flawed and fails to consider so many aspects of the impacts from these projects on the community, its economic burden on ratepayers and the risk in depleting our natural resources and ability to grow our own food.

Sincerely,

Eileen Kechloian

Resident of Kaua'i

KIUC member



Comment No. 78

Admin Joule <admin@joulegroup.com>

Do not approve the new large hydro power plant for Kekaha without further study and community approval

mkelley323@gmail.com <mkelley323@gmail.com>

Mon, Oct 10, 2022 at 11:50 AM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

Aloha,

I am very concerned about KIUC's plan to pull 23.5 million gallons daily (mgd) out of the Kokee watershed for a new large hydro power plant. There is a concurrent plan to also develop a large pump storage operation in Kekaha. I approve of the pump storage project but do not approve of the new large hydro power plant for Kekaha without further study of its combined impact with pump storage project and community approval. We need to support agriculture on the westside and water is key resource.

I have many other concerns as listed below:

1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources.
 - a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar.
 - b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards.
 - c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS).
2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives.
 - a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system.
 - b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed.
 - c. Significant impacts of building two new hydroplants outweigh their need.

3. Projects likely to adversely impact development of resilience to climate change.
 - a. No disclosure of reduced rainfall on Project operations.
 - b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.
4. Significant impacts of the project on social and economic welfare undisclosed.
 - a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island.
 - b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue.
 - c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES).
 - d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.
5. Project water allocations significantly impact food production and agriculture.
6. Additional feasible alternatives were not considered.
 - a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated, Lihue, Princeville, etc..
 - b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities.
 - c. Remove the Pu'u 'Ōpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not.
 - d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions.
7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.

Thak you,

Mary Lu Kelley

3644 Lawaiuka Road

Lawai, HI 96765

808-639-6978



Comment No. 79

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 1:49 PM

From: Kyle Kettle <kylepkettle@gmail.com>
Sent: Wednesday, October 5, 2022 1:42 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of the Waimea River, and the quality of life for Waimea residents.

Of specific concern is the impact this will have on agriculture as this project is anticipated to use a significant amount of fresh water and also increases the risk of polluted runoff. Fresh water should be protected from pollution and prioritized for agriculture purposes to ensure a safe source of drinking water and locally grown food supply. When something has any potential to jeopardize any fresh water supply it should not be pursued especially when there are other sustainable alternatives available.

In addition to the reasons listed above the impact on 'iwi kupuna and important historical sites should also be considered. If this project risks disturbing either of these things it should not be considered feasible or worthwhile.

Mahalo,

Kyle Kettle



Comment No. 80

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Requires EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 3:47 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Michelle Kinimaka-Aranio <michellekm.lmft@gmail.com>**Sent:** Monday, October 10, 2022 1:44 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Requires EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raised more questions than answers about how this project will affect the health of Waimea River, and the quality of life of Waimea residents.



Comment No. 81

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised Draft Environmental Assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Fiona Langenberger <fiona.langenberger@gmail.com>

Sent: Saturday, October 8, 2022 1:27 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] WKEP revised Draft Environmental Assessment

Aloha,

I am writing in support of the West Kauai Energy Project. It's great to see how Kauai is leading the state in shifting towards renewable energies. The revised DEA appears to be very comprehensive with the Finding of No Significant Impact.

Thank you,
Fiona Langenberger



Comment No. 82

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Environmental Impact Statement (EIS)

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 11:03 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Cookie Kapanui Lee <cookieklee@gmail.com>**Sent:** Monday, October 10, 2022 9:55 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Environmental Impact Statement (EIS)

Aloha

Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

I really hope you are listening to our community, everyone that has been in charge of our water ways has not listened to the peoples concerns. I am hoping you ARE listening to our voices of concern, our water here in Waimea

is used for our food supplies, our children learning about and using our river to paddle, fish and harvest what they can. As a community we all use our river, we ask you to help us be able to continue to use it!

demand an Environmental Impact Statement (EIS) because this is a major new project being built on top of old sugar plantation diversions that have caused significant lasting harm to West Kaua'i's communities. I fully understand

the implications of KIUC's new proposal for producing electricity from hydropower in West Kaua'i. It would trigger significant run-off over the Mānā Plain, further damaging nearshore waters and fisheries. KIUC proposes

to fix up abandoned sugar plantation diversions, and use them in a new hydropower plant to divert water from the Waimea River, at an annual average of 11 million gallons a day. It would perpetuate significant environmental

consequences for the people of West Kaua'i. It would also require using heavy construction equipment in the river and in important habitats for protected and endangered species, and areas of known 'iwi kupuna and historic

sites. We know the devastating impact that stream diversions have on the people and wildlife.

Mahalo



Comment No. 83

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS - Request

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 12:52 PM

-----Original Message-----

From: Landon Lee <thespiano725@gmail.com>
Sent: Wednesday, October 5, 2022 12:52 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS - Request

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published is inadequate in addressing the questions and concerns of those effected.

Time and time again, the needs and desires of Hawaiians and Kama'āina have been completely neglected in instances like this— it is the fundamental story of the last 300 years of these islands. Please consider your position of influence to do something about that.

Thank you,
Landon Lee



Comment No. 84

Admin Joule <admin@joulegroup.com>

WKEP revised draft environmental assessment

Lihue Business Association <info@lihuebusinessassociation.com>

Mon, Oct 10, 2022 at 12:45 PM

To: admin@joulegroup.com, lauren.e.yasaka@hawaii.gov

TO: Joule Group, LLC, Attn Dawn Huff

Lauren E Yasaka

ON: October 10, 2022

RE: Support for West Kauai Energy Project Revised Draft Environmental Assessment

The Kaua'i Island Utilities Cooperative has provided more-than-capable leadership to bring reliable, increasingly sustainable energy to our island since early in the century.

I believe that the West Kauai Energy Project Revised Draft Environmental Assessment does an excellent job of analyzing the project's issues, and that the Finding of No Significant Impact is well supported.

I humbly ask your approval of the FONSI for this project, which will enable KIUC to take yet another step on our island's path to energy independence.

Best regards,

Pat Griffin, President

Lihue Business Association



Comment No. 85

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for West Kaua`i Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 10:33 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Catherine Lo <lo.catherine1021@gmail.com>**Sent:** Friday, October 7, 2022 10:27 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for West Kaua`i Energy Project

Aloha Lauren Yasaka:

Kaua`i Island Utility Cooperative has served the residents of Kaua`i well.

However, a full environment impact statement for KIUC's proposed West Kaua`i Energy Project is needed to address concerns on the impact of the project on Waimea River and on the quality of life for Waimea residents.

The residents of Kaua`i, especially the residents of the Waimea, appreciate your kind attention.

Mahalo nui loa,

**Catherine Lo**

P. O. Box 887

Koloa, HI 96756

Websites:

<http://www.htcelebration.org/>



Comment No. 86

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:22 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

From: Molly Lutcavage <melutcavage@gmail.com>**Sent:** Sunday, October 9, 2022 8:34 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] West Kauai Energy Project

I believe the West Kauai Energy Project's Revised DEA does a good job of analyzing the many issues involved in this project. In my opinion, the finding of "No Significant Impact" is fully supported by those studies and assessments.

KIUC is an environmental leader, and I am pleased our utility is moving in this direction on our path to energy independence, and hopefully, reduced cost of power for Kauai residents and businesses.

Mahalo.

Sincerely,
Molly Lutcavage,
Lawai



Comment No. 87

Admin Joule <admin@joulegroup.com>

Kauai Energy Project

dragonflykauai <dragonflydesignshawaii@gmail.com>

Sun, Oct 9, 2022 at 12:19 PM

To: lauren.e.yasaka@hawaii.gov

Cc: admin@joulegroup.com, jchang@ssfm.com

KAUAI ENERGY PROJECT

I am opposed to KIUC's plan to pull 23.5 million gallons daily (mgd) out of the Kokee watershed for a new large hydro power plant, the need for which is not well documented in view of a concurrent plan to also develop a large pump storage operation in Kekaha.

It seems to me a solar energy farm would be better than depleting Kokee of so much water, and KIUC already knows how to do solar whereas the long term impact of hydropower to all the streams and underground water flow to springs and reservoirs in west and south Kauai isn't understood at all.

Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.

Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.

Please protect Kauai's water systems, we don't know what the future will bring.

Aloha,

Christina Lynam, Resident, Kalaheo 42 years



Comment No. 88

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Wed, Oct 5, 2022 at 8:50 AM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Samantha Maher <samanthamaher6@gmail.com>

Sent: Wednesday, October 5, 2022 8:50 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am local of Maui currently living on the mainland. I am writing on behalf of ohana who currently reside on the Island of Hawai'i and anyone who may be affected by this project. The purpose of my email is to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment that was published did not provide answers for our community, rather it raised more questions about the negative impact this project will have on the Waimea River, and the quality of life for Waimea residents. Please help us in this community effort of preserving our aina and Kanaka Maoli. The Kingdom of Hawaii will prevail.

Mahalo,
Samantha Maher



Comment No. 89

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:26 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Kauakea Mata <kauakea@hawaii.edu>**Sent:** Sunday, October 9, 2022 8:08 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Please consider my request it literally is a tax on our native Hawaiian resources.

Mahalo,

KAUAKEA MATA

Sent from my iPhone

Comment No. 90



Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS for West Kaua'i Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 11:35 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Keili McEvilly <kmcevilly@oahu.surfrider.org>

Sent: Friday, October 7, 2022 11:34 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] EIS for West Kaua'i Energy Project

Aloha Ms. Yasaka,

My name is Keili, my family is from Kaua'i, I am kanaka maoli, and I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Sincerely,

Keili McEvilly | O'ahu Chapter Coordinator | [Surfrider Foundation](https://www.surfrider.org/)

t: 760.546-8856 | kmcevilly@oahu.surfrider.org

Pronouns: she/her/hers [what's this?](#)



Comment No. 91

Dawn Huff <dhuff@joulegroup.com>

FW: WKEP Revised DEA

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:10 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Dave Morgan <davemorgan858@hotmail.com>**Sent:** Friday, October 7, 2022 3:10 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP Revised DEA

Since its inception, KIUC has made impressive progress in the area of renewable energy. The proposed WKEP would be another significant step forward. The Revised DEA is comprehensive in both breadth and depth and provides solid support for the FONSI. The project would provide measurable economic and environmental benefits to Kauai and I encourage DLNR to approve it.

Dave Morgan, P.E.

(former Production Manager and then VP & General Manager, Kauai Electric)



Comment No. 92

Dawn Huff <dhuff@joulegroup.com>

Fwd: Support for WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: nakaya@hawaiiantel.net <nakaya@hawaiiantel.net>**Sent:** Saturday, October 8, 2022 6:39 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Support for WKEP revised draft environmental assessment

Aloha,

Attached are my comments in support of KIUC's revised draft environmental assessment.

If there are questions, I can be reached at (808) 635-0121.

Thank you for the opportunity to add my voice in support for this project.

Sincerely,

Ed Nakaya

P.O. Box 164

Lawai, HI 96765

**WKEP revised draft environmental assessment Ed Nakaya 2022.10.08.docx**

14K

Ed Nakaya

P.O. Box 164

Lawai, HI 96765

Contact: (808) 332-8760 nakaya@hawaiiintel.net October 8, 2022

WKEP revised draft environmental assessment

I am writing in enthusiastic support of KIUC's revised draft environmental assessment. I am a lifelong resident of west Kauai, born and raised in the plantation community of Makaweli, and received my primary education at Waimea High and Elementary School. I know the people, communities, socioeconomic and cultural foundations of west Kauai.

A note of personal disclosure... I am also a retiree of KIUC, having worked for 38 years with KIUC and its predecessor Kauai Electric. Most of my work experience focused on consumer education and outreach, working with schools, senior organizations, and businesses and community organizations of all sizes.

Throughout my years at KIUC, I engaged in many discussions with groups and individuals from west Kauai about our past, current and future means for providing affordable, sustainable energy for all our needs. The path away from near total reliance on fossil fuels was thematic for all of my career. I know and personally share in the hopes and concerns for our island's energy future in the face of climate change.

For over a decade I chaired the educational programs of the Kauai Economic Development Board as a community volunteer. I am deeply appreciative of the partnerships that the WKEP has formed with STEAM educational programs with Waimea High School and the Kauai Community Science Center, based in the West Kauai Technology and Visitor Center. The educational benefits for our students are profound when they are challenged, guided, and inspired by local subject matter experts from WKEP. To have many of our students directly engaged in local application of science fundamentals in creating solutions to our world's most pressing existential issues is a priceless aspect of this project.

Through painstaking, inclusive, careful collaboration with our stakeholders and community-at-large, our island energy cooperative has fashioned a feasible, sustainable, affordable, and environmentally appropriate energy solution that fits well with our island's resources and heritage. The environmental impacts of the WKEP are well-studied, mitigated and definitively outweighed by the benefits of this project.

Thank you for the opportunity to add my voice of support for approval of this project.

Sincerely,

Ed Nakaya

Comment No. 93



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Na Kia'i Kai Comments KIUC Second Draft EA 2022

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 11:02 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Kawai Warren <kawaiwarren@gmail.com>**Sent:** Monday, October 10, 2022 9:44 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>;

DLNR.CW.DLNR.CWRM <dlnr.cwrn@hawaii.gov>

Cc: Representative Dee Morikawa <repmorikawa@capitol.hawaii.gov>; Mayor@kauai.gov
<Mayor@kauai.gov>**Subject:** [EXTERNAL] Na Kia'i Kai Comments KIUC Second Draft EA 2022

Aloha e' Lauren,

Attached are the comments from Na Kia'i Kai for KIUC WKEP Draft EA 2022

--

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to this e-mail message contain information that is legally privileged and confidential. If you are not the intended recipient, you must not review, transmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please immediately forward this e-mail to the author of email message, including the list of the message recipients, and then delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by the author of this email but may still be legally privileged and confidential.

**Nakia'i comments KIUC second draft EA 2022.pdf**

1698K

Lauren.E.Yasaka@hawaii.gov

**SUBJECT: Na Kia'i Kai's Comments on KIUC's Second Draft EA for the
West Kaua'i Energy Project-Request for Full EIS**

Aloha Ms. Yasaka,

Na Kia'i Kai is a group of fishermen and traditional cultural practitioners who organized to protect our near shore waters on the west side of Kauai. Our Families have been gathering and fishing for food on the west Kauai waters and Waimea estuary for many generations.

Na Kia'i Kai members demand an HRS 343 full "Environmental Impact Statement" be prepared for the West Kaua'i Energy Project. The second Environmental Assessment that was published did not address our questions and concerns submitted on their West Kaua'i Energy Project first EA draft. The second EA leaves even more questions and concerns regarding how the project will work and the impact it will have on the Waimea River and our near shore waters and estuaries.

It is obvious KIUC and AES have very little respect for our environment and local community, who depend on fishing, hunting and gathering food to supplement our survival. They also show a lack of concern for the protection of traditional and customary Hawaiian rights, by not allowing Waimea River to heal through restoration of the natural flow, in accordance with the Waimea Mediation Agreement.

1. The three main tributaries that feed the Waimea River, Waiakoali, Kawaikoi, and Kauaikinana diversions are still in place with no natural wetted path for native o'opu, opaekala, and hihiwai to re-establish its populations. These diversions have been in place for 100 years.
 - a. KIUC's current analysis compares the impact of their project proposal to a very unhealthy Waimea River. This is called shifting the baseline

and it is one way to make significant impacts appear less damaging to the stream ecosystem and the near shore fisheries at the Waimea River mouth.

- b. An EIS would compare the impacts of this proposal to Waimea River in its natural state, not in its condition as a diverted river for 100 years.
2. Waimea river has been running extremely low for the past several years, and this year has been the worst. The water monitors that were supposed to be installed in Waimea tributaries and river by KAA or KIUC in accordance with the Waimea Mediation Agreement has not been completely installed. We have insufficient hydrology data for Waimea tributaries and river to be proposing an allotment of 11 million gallons per day (mgd) for 65 years.
 - a. KIUC's modeling suggests there maybe enough water in Waimea River for their hydro project.
 - b. Is there enough water in Waimea River tributaries to support DHHL Pu'u Opae farm community and KIUC community offer of 70 acres of free farmland on the Mana Plains for 5 years? Especially during a drought period like we have been experiencing for the past few years.
 - c. KIUC's Pu'u Lua reservoir refurbishment will increase capacity to 215 million gallons of water, if a daily agriculture water use was 11 mgd, you would have about 20 days of water during a drought period. Is KIUC going to subsidize the farmers, for their crop losses?
 - d. An EIS should analyze whether there is enough water to support KIUC's hydro project and specifically, the proposed flow through of 11mgd.
 - e. Hawaii Water Code Chapter 174C, H.R.S requires the Water Commission, to obtain maximum reasonable-beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses, **as long as there is adequate provision for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and**

the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation

3. KIUC's Hydro project water draw of 11 mgd, will further impact west Kauai fisheries spawning grounds at Waimea River mouth and Kawaiele outfall.
 - a. The 11 mgd removed from Waimea River will reduce the habitat for our O'opu and Opae, further impacting the ecological balance. These two species provide food for near shore fisheries, 'aholehole, papio, ula, moi, awa, and other predator fish.
The plantation era had a severe impact on Waimea River mouth fisheries, which has not recovered yet. KIUC hydro will not help to return the proper ecological balance for Waimea River mouth. These impacts are not addressed in the EA
 - b. KIUC's hydro project unused water flows will be dumped into contaminated unlined plantation drainage ditches and finally released into the ocean at Kawaiele outfall. The former sugar plantation used a lot of pesticides and herbicides on their crops for 80 years. More recently the GMO corn companies, continue to disperse pesticides and herbicides onto the Mana Plains. The more water dumped in the Mana plains drainage ditches will increase the impact on our fisheries at Kawaiele by contributing additional flows through the drainage ditch system into the ocean. These impacts are not addressed in the EA.
 - c. Pesticides were found that have endocrine disrupting effect on fish reproduction systems as well as deformity in the fish embryo and larvae. These impacts are not addressed in the EA.
 - d. Another impact would be the sediment from these ditches spread over our coral reefs. These impacts are not addressed in the EA.
 - e. A full EIS would require KIUC to study the quality of water flowing into the ocean and the impact it would pose to our coral reefs and near shore fisheries.

Waiakoali Stream 100% diverted

Diverted water enters ditch system on the left



Kawaikoi Stream 100% diverted

Irrigation ditch system

Some underground seepage below diversion



Kauaikinana Stream 100 % diverted

September 2022 the water from Waiakoali stream and Kawaikoi stream feeds into Kauaikinana. According to Waimea Mediation agreement these stream should have a wetted path to Waimea River.



Kawaiele Outfall Silt Lined Banks

Several million gallons of contaminated water (pesticides, herbicides, etc.) flows out to sea every day.



Very Respectful

Kawai Warren

Na Kia'i Kai



Comment No. 94

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:07 AM

From: Pono Nero <ponoohno@gmail.com>
Sent: Thursday, October 6, 2022 12:56 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

My name is Ezra "Pono" Nero and I am writing to request a full environmental impact statement for the West Kaua'i Energy Project proposed by the Kaua'i Island Utility Cooperative. The last environmental assessment they published raised more questions than answers about how this project will affect the Waimea river , the ocean, and the quality of life for the residents of Kaua'i. I am all for clean sources of energy. If it really is as clean as they claim, it should be no problem to provide a full EIS. Wouldn't you agree? Let's do what's right for Kaua'i.

Mahalo for your time,

Pono



Comment No. 95

Admin Joule <admin@joulegroup.com>

Fwd: Water Threatened Again

Raamon Newman <raamon.newman@gmail.com>

Mon, Oct 10, 2022 at 10:17 AM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

Hi,

Thank you for your devoted service to Kauai.

As a new resident I've been made aware of the talking points below and support more broader thinking is required around this project to avert future regret.

Rushing this and not doing it the right way could be a disaster for the many so better to avert the danger before it arises and think more broadly about the long term consequences.

Looking more deeply into those alternatives seems wise.

Thank you for doing what is best for everyone and the beautiful environment here.

Raamon

Raamon Newman
Direct: +1-323-742-2225
Skype: raamon1000

Talking Points

1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources.
 - a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar.
 - b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards.
 - c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS).
2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable

alternatives.

a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system.

b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed.

c. Significant impacts of building two new hydroplants outweigh their need.

3. Projects likely to adversely impact development of resilience to climate change.

a. No disclosure of reduced rainfall on Project operations.

b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.

4. Significant impacts of the project on social and economic welfare undisclosed.

a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island.

b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue.

c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES).

d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.

5. Project water allocations significantly impact food production and agriculture.

6. Additional feasible alternatives were not considered.

a. Develop several closed-loop pumped storage projects in areas across Kaua'i, including areas where most of the energy need is generated, Lihue, Princeville, etc..

b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities.

c. Remove the Pu‘u ‘Ōpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not.

d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions.

7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.

Links to second DEA

1. https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-08-KA-2nd-DEA-West-Kauai-Energy-Project-Vol-I.pdf

2. https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-08-KA-2nd-DEA-West-Kauai-Energy-Project-Vol-II-Appendix-A-C.pdf

3. https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-08-KA-2nd-DEA-West-Kauai-Energy-Project-Vol-III-Appendix-D.pdf

(In case above does not work try

<https://drive.google.com/file/d/1LhNL6Mplohn7Eda6kWel4lximrMjsMll/view?usp=sharing>)

4. https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-08-KA-2nd-DEA-West-Kauai-Energy-Project-Vol-IV-Appendix-E-J.pdf

5. https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-08-KA-2nd-DEA-West-Kauai-Energy-Project-Vol-V-Appendix-K-Q.pdf

Comment No. 96



Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:04 AM

From: Mariah Opalek <mopalek@hawaii.edu>
Sent: Wednesday, October 5, 2022 7:39 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha e Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how the project will affect the health of Waimea River and the quality of life for Waimea residents.

Mahalo,

Mariah Opalek
Kaua'i Resident

--

Mariah Opalek

Title III Grant Support
Kaua'i Community College
office: 808-245-8395



Comment No. 97

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:15 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Anne Orndahl <amorndahl@gmail.com>**Sent:** Friday, October 7, 2022 4:26 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha Ms. Yasaka:

I am a kamaaina from Manoa, Oahu, and have visited Kauai since I was a child. We raised our family in Atlanta, GA, and returned to care for our mom in 2013. After any years away from Hawaii, I returned and am shocked at the environmental threats that endanger our aina.

I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent on water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? Lo'i fields may be impacted negatively. Will the changes made impact public health?

What are the full impacts of the proposed industrial activities, including heavy equipment in the conservation district? What can be done to minimize the potential impacts to between 427 and 1039 acres of protected habitat?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for. Our aina is irreplaceable and precious. These are important questions we must ask as concerned citizens.

Thanks for your help with this.

Anne McCrea Orndahl
44-497 Kaneohe Bay Drive

Sent from my iPad



Comment No. 98

Dawn Huff <dhuff@joulegroup.com>

FW: Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 9:29 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Rene M. Parsons <renie_76@hotmail.com>**Sent:** Friday, October 7, 2022 9:29 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

SUBJECT: Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Rene M. Parsons



Comment No. 99

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:14 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Sylvia Partridge <sylpartridge@yahoo.com>**Sent:** Friday, October 7, 2022 3:51 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Cc:** Sylvia Partridge <sylpartridge@yahoo.com>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha Ms. Yasaka,

Re: West Kaua'i Energy Project being proposed by KIUC

Am requesting a full EIS for this project.

Obviously this project will divert millions of gallons of water every day from the natural water flow. The unintended consequences of these diversions can be devastating.

Communities in Calif and on the mainland have this same self-imposed problem - the diversion of vast amounts of water that may have severe and devastating effects in the long run and lead to all kinds of self-imposed human made problems.

Let's hope that increasing population and development demands don't lead to unhealthy diversions that hurt the environment on this island more than it already is . And demand more water than we actually have.

Thanks for considering these thoughts.

Mahalo,

Sylvia Partridge

3800 Kamehameha Rd., # 22

Princeville, HI 96722



Please consider these comments about pulling 23.5 million gallons daily out of the Kokee watershed for a new large hydro power plant to supply Grove Farm development projects

Sylvia <sylpartridge@yahoo.com>

Fri, Oct 7, 2022 at 9:17 AM

To: admin@joulegroup.com, lauren.e.yasaka@hawaii.gov, jchang@ssfm.com

Cc: Sylvia Partridge <sylpartridge@yahoo.com>, Claire Vierkoetter <cv1jv2@gmail.com>, Manulele Dudoit <manulelekwcw@gmail.com>, Isa Maria <isamagic@gmail.com>, Sharon Gonsalves <gonsalves.sharon234@gmail.com>

Our first concern on Kauai is our natural limited water supply that has absolute limits. Please consider these comments:

1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources.
 - a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar.
 - b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards.
 - c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS).
2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives.
 - a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system.
 - b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed.
 - c. Significant impacts of building two new hydroplants outweigh their need.
3. Projects likely to adversely impact development of resilience to climate change.
 - a. No disclosure of reduced rainfall on Project operations.
 - b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.
4. Significant impacts of the project on social and economic welfare undisclosed.
 - a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island.
 - b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue.
 - c. Financial benefits of the project will not remain in Kaua'i (off island operator, AES).
 - d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for

power generated likely increasing the cost to ratepayers.

5. Project water allocations significantly impact food production and agriculture.

6. Additional feasible alternatives were not considered.

a. Develop several closed-loop pumped storage projects in areas across Kauaʻi, including areas where most of the energy need is generated, Lihue, Princeville, etc..

b. An ocean reservoir closed-loop project would not remove freshwater from natural sources but can be used to provide power as has been successfully done in other communities.

c. Remove the Puʻu ʻŌpae hydroplant from the proposal. Pump storage makes sense but pulling out 23.5 million gallons daily from the watershed does not.

d. Before spending more of ratepayers money to make power that is not yet needed, KIUC should implement mandatory energy usage reductions.

7. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.

Comment No. 101



Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] West Kauai Energy Project - Revised Draft Environmental Impact Statement

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 2:37 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Peterson <seabillpeterson@gmail.com>**Sent:** Friday, October 7, 2022 2:33 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] West Kauai Energy Project - Revised Draft Environmental Impact Statement

Aloha Ms. Yasaka,

I have taken the time to review the Revised Draft Environmental Impact Statement for the proposed West Kauai Energy Project (WKEP). I have been following the development of this project, under different names, for years and believe it would have significant environmental and economic benefits for the island of Kaua'i, and the State of Hawaii in general. It allows us to move forward towards energy independence while moving away from fossil fuels. It will be a significant step towards reaching the State of Hawai'i's stated goal of 100% renewable energy by 2045. It is an exciting proposal using well established technology in a way that is both traditional and at the same time innovative.

I realize that not everyone is as enthusiastic about the project. I believe their objections are based on a misunderstanding of how it will work to achieve these beneficial goals. I also believe that the Revised Draft Environmental Impact Statement supports the finding of no significant environmental impact - which will make it a Win-Win for both the community and the island environment.

I fully support going forward with this important environmental project as quickly and expeditiously as possible.

Thank you,

William D. Petersom

(808) 635-9129



Comment No. 102

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Full EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:28 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Keala Piimanu <k.piimanu@gmail.com>**Sent:** Sunday, October 9, 2022 11:47 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Full EIS required for WKEP

I am reaching out to request a full environmental impact statement for the West Kauai Energy Project being proposed. I am concerned for the well being of all Waimea residents. A full environmental study MUST be done to ensure the health and safety of Waimea river so that it does not poison our food and our livelihood. It is unethical to move forward without great certainty that this project will not negatively impact all that inhabit this area. Many native Hawaiians have ancestral ties to this place and this needs to be taken seriously and with the utmost respect. Please do what is pono for all that call Waimea home. Do right by the Native people of this land.

“Ola ka wai” - Water is life

Mahalo,

Keala Piimanu



Comment No. 103

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:28 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Nia Piimanu <nia.piimanu@gmail.com>**Sent:** Sunday, October 9, 2022 11:37 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

As a concerned Kauai resident, I am writing to request a full environmental impact statement for the West Kauai Energy Project being proposed by the Kauai Island Utility Cooperative. KIUC should be held accountable for providing much more detailed information about the implications of this major project that will affect the health of the Waimea river and the quality of life for Waimea residents for many years to come.

Providing renewable energy solutions for our island is important, but not at the expense of harming our local habitat and environment. We demand that KIUC provide a full EIS for this project because not only is it the legal thing to do, but it is the right thing to do. West Kauai residents deserve to be presented with all the information necessary to fully understand what this project entails. This is OUR community. This is where we live and raise our families. Waimea river is a significant life source for us and should be treated as such.

Mahalo,
Nia Piimanu
[4124 Aheahe Pl](#)
Lihue, HI 96766



Comment No. 104

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:10 AM

From: Ford Potter <fordtpotter@gmail.com>
Sent: Thursday, October 6, 2022 10:25 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS for WKEP

Aloha Ms. Yasaka,

I am reaching out to inform you I believe it is absolutely necessary that a full Environmental Impact Statement for the West Kauai Energy Project proposed by the Kauai Island Utility Cooperative. The last statement issued not only left many questions unanswered but raised some new ones as well.

Mahalo, Ford Potter

Lawa'i, Kaua'i



Comment No. 105

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:22 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Greg Puppione <gpuppione@gmail.com>**Sent:** Sunday, October 9, 2022 8:05 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

*Mahalo for the opportunity,
Greg Puppione
Honolulu, HI*



Comment No. 106

Admin Joule <admin@joulegroup.com>

Oppose KIUC's hydro power plant

Laurel Quarton <laurelq@hawaiiintel.net>

Mon, Oct 10, 2022 at 6:05 PM

To: admin@joulegroup.com

This message is to request that the DLNR, KIUC and the SSFM abandon plans to build a new hydro power plant for all the below reasons. KIUC members are opposed to this project. Thank you.

Laurel Quarton

Wailua

1. Long-term commitment to pumped storage/ hydropower has significant impacts on natural streams, the historic landscape, and cultural resources.
 - a. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar.
 - b. No disclosure of foreseeable impacts of already documented failure to meet interim instream flow standards.
 - c. A 65 year water lease, which KIUC is seeking, constitutes a significant impact requiring an environmental impact statement (EIS).
2. The Need for the Projects energy is not sufficiently described, thereby curtailing discussion and assessment of reasonable alternatives.
 - a. No discussion of other renewable energy initiatives on island or integration of these projects into KIUC system.
 - b. Without a ceiling to actual energy needs, project and alternatives cannot be meaningfully assessed.
 - c. Significant impacts of building two new hydroplants outweigh their need.
3. Projects likely to adversely impact development of resilience to climate change.
 - a. No disclosure of reduced rainfall on Project operations.
 - b. Increasing power and its reliability historically increases reliance and expansion of energy-consumption.
4. Significant impacts of the project on social and economic welfare undisclosed.
 - a. The impact to the West Kauai environment and depletion of its natural resources is being done to produce power elsewhere on island.
 - b. Projects displacement of impacts to West Kaua'i community is an environmental justice issue.

- c. Financial benefits of the project will not remain in Kaua‘i (off island operator, AES).
- d. Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.



Comment No. 107

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:15 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Bonnie Rasmussen <bonnieisland@yahoo.com>
Sent: Friday, October 7, 2022 4:22 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] Public Comment: EIS Required for WKEP

"Aloha Ms. Yasaka,

Please consider the following. Thank you Ms. Yasaka.

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

Mahalo for the opportunity,



Comment No. 108

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 11:37 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Henry Rosen <hquincyr@gmail.com>**Sent:** Friday, October 7, 2022 11:36 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>; Jared Chang <jchang@ssfm.com>**Subject:** [EXTERNAL] Kauai Energy Project

As rate payers for KIUC we are very concerned about a huge project that will cost ratepayers multiple millions while significantly impacting the Kokee watershed. KIUC's current debt, a debt we all bear because we are a Coop, is \$256,000,000. We are reluctant to support an increase in that debt burden. Also, we do not feel that KIUC's environmental impact analyses are candid and accurate and are further concerned that the incremental costs of this project will subsidize developers at the expense of existing residents of the community.

Sincerely

Henry and Sara Rosen

Koloa



Comment No. 109

Admin Joule <admin@joulegroup.com>

Comments on WKEP DEA

Matt Rosener <laminarmatt@gmail.com>

Mon, Oct 10, 2022 at 5:00 PM

To: lauren.e.yasaka@hawaii.gov

Cc: admin@joulegroup.com, jchang@ssfm.com

Aloha Lauren Yasaka, Dawn Huff, and Jared Chang,

Please find my comments attached on the draft EA for the proposed West Kauai Energy Project.

Mahalo for your consideration,

Matt Rosener

Hydrologist / Water Resources Engineer

Port Angeles, WA / Hanalei, HI

**NSH comment letter on WKEP DEA 10-10-22.pdf**

249K

North Shore Hydrological Services

Matt Rosener, MS, PE, Principal

October 10, 2022

State of Hawai'i, Department of Land & Natural Resources

Lauren Yasaka

1151 Punchbowl Street, Room 220

Honolulu, HI 96813

lauren.e.yasaka@hawaii.gov

Dear Ms. Yasaka,

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for the West Kaua'i Energy Project (WKEP) and provide comments that express my concerns about this proposed project which aims to combine hydropower generation with irrigation water delivery for agricultural operations on the west side of Kaua'i. I also reviewed a previous version of the DEA for this project and submitted my comments on it to DLNR on September 22, 2021, but I did not receive any response. Upon completing my review of the current DEA, unfortunately, I find that the concerns I expressed previously were not addressed through changes to the proposed project or to the DEA that describes the assessment of its potential impacts.

I am very familiar with the proposed project area and the ditch systems, having spent considerable time in the Waimea River watershed making streamflow measurements at the Kōke'e and Kekaha Ditch diversions and making observations on stream health throughout the Waimea River drainage basin. During the time leading up to the mediated Waimea Water Agreement, I performed background research and worked with westside community members to understand both historical and recent operations of these ditch systems that have provided long-term irrigation and hydropower benefits. As a hydrologist and water resource engineer based on Kaua'i, my work has been focused on stream restoration and improving watershed management for over 20 years in the Hawaiian Islands. At this point in time, I see vast potential to achieve better balance in the allocation of our limited water resources, given the history of extensive water diversion schemes developed by the sugar plantation companies.

The most significant difference in modern-day water development from the traditional Hawaiian water management of the ahupua'a system was the adoption of inter-basin water transfer by the plantation companies. While Hawaiians had long ago developed a genius system of managing water on a watershed basis (a system that has become the standard in today's science-based resource management), the now-common practice of diverting water out of the watershed has led to severely disturbed hydrology in many of Hawaii's streams and rivers. Native stream ecosystems have been impacted by these non-natural streamflow regimes for well over 100 years in some cases, including in the Waimea River watershed where the Kekaha Ditch first started removing water from the basin in 1908. The impacts of streamflow diversion are not limited to aquatic species, and in the Waimea River basin, the human community has long been affected by reduced water flows leading to accelerated sedimentation in the river reaches downstream of the ditch systems. With the mediated agreement, there is hope that inter-basin water transfer from this important Kaua'i watershed can be reduced. This would acknowledge and honor the Hawaiian tradition of keeping stream water in its own watershed to the greatest extent possible.

The transfer of large volumes of stream water outside of the Waimea River basin not only creates impacts to the streams of origin, but it also causes impacts at the point of discharge in the receiving drainage basin. In this case, up to 26 MGD of water from Kōke'e streams would be discharged from the WKEP to the

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Matt Rosener, MS, PE, Principal

Mānā coastal plain. The Hydrology Report attached to the DEA (as Appendix F) shows that outflows from the Pu'u Lua Reservoir are predicted to be in the 21-26 MGD range more than 50% of the time (Figure 2-3). The DEA assumes that much of the discharge water from the store & release hydropower operation will be used for irrigation on Mānā farmlands after it passes through the hydropower plants. However, during wet weather periods when irrigation water is not needed, 26 MGD would need to be disposed of in other ways. The project proposes to either: 1. route this water through open ditches to low-lying "open floodable spaces" for temporary storage or 2. discharge it directly to the Mānā Storm Drainage System. In either case, this substantial flow rate of water will be a burden to the area's drainage system which relies heavily on pump stations and can already be overwhelmed during wet weather cycles. The water quality impacts of this discharge directly to a drainage ditch network that has been documented to contain concerning levels of pollutants should also be considered. The DEA portrays discharges from the Mānā Reservoir as a way to improve water quality in the storm drain ditches through dilution, but it makes no effort to assess the potential for existing pollutants in the ditches to be mobilized by increased flow rates and transported to the ocean which is only a short distance away.

Since the development of the Kekaha Ditch system in 1908 and the Mānā Storm Drainage System in 1923, the Waimea River has been substantially de-watered and often completely drained to produce hydropower that is partially used to run pumping stations to drain wetlands on the Mānā coastal plain. This has been ongoing for close to 100 years, and the new project being proposed will double down on this water management scheme by continuing stream diversion to produce new hydropower, some of which will be needed to pump even more water from the storm drainage system. The DEA suggests that some of the discharge water could also be ditched to "open floodable spaces" in the Nohili area, where it would be mixed with water pumped from the storm drain system and allowed to settle. Afterwards, the pump stations would again be relied upon to move this water out to sea. The combination of poor existing drainage conditions in this area with increased discharge from WKEP hydropower operations, then coupled with sea level rise, seems likely to create a significant drainage burden for west side communities at some point in the future.

Meanwhile, the lower reaches of the Waimea River suffer from sedimentation caused in part by upstream water diversion. Community efforts to manage the sediment load have been impressive in terms of the human capital expended, but ultimately, they have proved futile because of the scale of the problem. The water-sediment balance has been drastically disturbed in this river basin for well over 100 years. While restoring streamflow to the lower river reaches will not solve the sedimentation problem, it would certainly help to alleviate the effects by allowing for more natural flushing of sediment. This is a significant factor in why the Kitano Alternative Layout could be a better flow path alignment for a hydropower/irrigation project, when all of the associated environmental impacts are considered. The DEA did not mention any consideration of how the proposed increase in streamflow diversion would affect downstream sediment transport, including sediment deposition in the lower river reaches.

On the subject of water availability for the proposed project, it is purely coincidental but also very interesting that this DEA is being evaluated at a time when the streams in the project area have been flowing well below the prescribed IIFS values. As part of the Waimea Water Agreement, Phase I IIFS values were established and are now in effect for the four diverted Kōke'e streams, along with Waiahulu Stream, Koai'e Stream, and the mainstem Waimea River at sites within Waimea Canyon. CWRM has been operating gage stations on Waiahulu and Koai'e streams, and during the recent periods of record, the IIFS at the Waiahulu site (8 MGD) has only been achieved 29% of the time (6/3/22-9/18/22), and the IIFS at the Koai'e site (2 MGD) has been satisfied 44% of the time (9/2/22-10/10/22). These short records are the only publicly-available data from these CWRM stations, but the USGS operates stream gages in the Waimea River watershed with longer records. At the USGS gage station on the lower Waimea River (16031000), the Phase

North Shore Hydrological Services

Matt Rosener, MS, PE, Principal

I IIFS value of 25 MGD has been met 39% of the time over the last year. And at the USGS station on Kawaikōi Stream, the Phase I IIFS value of 4.9 MGD has only been met 34% of the time over the past year. It should be noted that while the other gage station sites are all located downstream of ditch diversions, the Kawaikōi gage site is located upstream of the Kōke'e Ditch diversion, so it represents natural (unregulated) flow. As recently as last week, flow in Kawaikōi Stream was down to 1.2 cfs (0.78 MGD) which is less than the 1.0 MGD minimum flow assumed for the Hydrology Report (Appendix F, Table 1-3). This low flow is only 16% of the Phase I IIFS value for Kawaikōi Stream, meaning that the prescribed instream flow is not close to being attained, even without any flow diversion, which is alarming.

The hydrologic analysis to predict streamflow availability at the Kōke'e stream diversion sites did not seem to be conservative, as it apparently did not account for climate change impacts to future streamflow. Since there is no recent streamflow data for three of the four Kōke'e streams evaluated, records were synthesized for the three ungaged streams using common engineering hydrology methods, but only for 9 years during the 1991-2013 period. Data from the last 9 water years (2014-2022) were not included in the analysis for some unexplained reason. The predicted streamflows used for down-ditch reservoir routing and estimating power production are based on the assumption that the future flow regime in the diverted streams will be like the past flow regime, but this is a risky assumption. The project developers seem to ignore this risk, and the DEA states on page 5-164 that, "A future downward trend and reduction in stream flows would have no operational effect on the Proposed Action. Precipitation and resulting streamflow is highly variable and differs considerably from year to year. The diversions and the hydropower facilities are both operated continuously with varying stream flows, floods, and droughts. Any small trends over time would not impact operations". With the IIFS being set values, any declining trend for low-flows would result in less water available for diversion during dry periods. It seems this would have some operational effect, and I question why predicted changes to future water availability were not addressed in the DEA.

The DEA also states that, "During extended periods of dry conditions, it is possible that there would be no store and release hydro generation and Project generation would entirely be the result of pumped storage generation at Mānā Powerhouse. This is not expected to occur regularly or frequently but is expected to occur intermittently during the drier summer months over the course of the Project's life" (p 4-168). From the information presented in Table 4.4 and Figure 4.12 on page 4-12, the outflow from Pu'u Lua Reservoir would need to be at least 4.42 MGD to meet all proposed upstream water deliveries (1.82 MGD) and still provide the operating range minimum flow (2.6 MGD) to the Pu'u 'Ōpae generator. Modeled outflows from the Pu'u Lua Reservoir shown in Figure 4.12 indicate that at least 4.42 MGD could be released about 57% of the time, suggesting that the Pu'u 'Ōpae store & release hydro could be offline due to inadequate flow about 43% of the time when full build-out of upstream water deliveries are realized. The analysis presented in the Hydrology Report (Appendix F) was a bit different, stating that minimum flow releases from Pu'u Lua (5 MGD) would occur about 30% of the time, with zero outflow about 20% of the time during "the average year". It does not say how often zero outflow from the Pu'u Lua Reservoir would occur during a dry year, but we can assume it would be more than 20% of the time. Apparently, these outages are considered intermittent by the Applicant, but not regular or frequent, although the frequency should be expected to change in the future if climate change leads to more prolonged drought periods.

Maybe the analysis of available streamflow was not conservative because there are other sources of water than the four streams that will contribute flow to the Kōke'e Ditch and Pu'u Lua Reservoir at times. While the DEA focuses on the main four streams along the ditch (Waiakōali, Kawaikōi, Kaua'ikinanā, and Kōke'e), there are at least five unnamed, ephemeral streams that drain into the ditch between the Kaua'ikinanā and Kōke'e Stream intakes, as well as the Nāwaimaka and Halemanu Streams that drain into the ditch below the Kōke'e Stream intake. It is unknown how much water is contributed to the ditch by these other stream sources, but they will provide some flow to the ditch during wet periods since there are

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no bypass modifications proposed, and their intakes are set up to capture ephemeral flow from these headwater streams. It should be noted that even with all of the real-time flow monitoring at the ditch intakes being proposed, there may be times during wet weather when flows intercepted by the ditch at Nāwaimaka and Halemanu Streams will need to be dumped into the Kauhao Gulch “spillway” as was done during historic operations of the Kōke’e Ditch system. This is because these two streams contribute flow to the ditch downstream of the last automated flow control system at Kōke’e Stream. The DEA (p 4-18) states that up to 0.3 MGD could be released at Kauhao Gulch to flush silt deposits there (from the CWRM IFSAR), but there may be times when much more water is released from the ditch at this point to limit inflow to the Pu’u Lua Reservoir.

If the proposed project is implemented as presented, it will result in much more water diversion through the Kōke’e Ditch (11 MGD average) than what is being diverted under current operations (1-2 MGD). The DEA states that after the WKEP is operational, one result will be “reduced diversion pressures of streams in the lower reaches of the Waimea River watershed” (p 5-167). The connection here is the idea that with WKEP providing irrigation water for farming operations on the Mānā coastal plain, then the Kekaha Ditch will reduce water diversion out of the watershed to compensate for the increased diversion from the Kōke’e Ditch system. However, there is no assurance given that this will occur in the future. Without a regional water plan or other binding agreement between KIUC, ADC, KAA, CWRM, etc., it is unknown whether the various entities will operate cooperatively to ensure a better balance of water allocation between off-stream uses and in-stream/down-stream needs. With so little irrigation water demand in the Mānā area in recent years (1-3 MGD), it seems that flows diverted out of the Waimea River watershed through Kekaha Ditch have been driven by hydropower more than agricultural needs. Now it is reported that turbine capacity at the Waiawa hydropower plant near Kekaha is in the process of being downsized with a maximum flow capacity of 10.15 MGD from the previous 21 MGD (p 1-21). This should result in substantially less water leaving the Waimea River basin through Kekaha Ditch, but this reduction may be offset by the increased flow diversion through Kōke’e Ditch proposed as part of this project. When the two ditch systems are considered together, there will be times that they are delivering 36 MGD of Waimea River water to the Mānā area. Even with the speculative need for increased future irrigation, this is still a lot of water and it would be delivered for hydropower at times when the irrigation demand is minimal, resulting in the additional burdens on the drainage system discussed earlier.

In my comment letter on the project’s DEA last year, I suggested the Kitano Alternative Layout could be a better option, as it would allow for much of the diverted stream water to be discharged to the lower Waimea River where it would have a beneficial impact on sediment management rather than discharging it in “open floodable spaces” on the Mānā plain where it will be a burden. I recognize that there are other significant beneficial impacts to the selected Pu’u ‘Ōpae alignment, especially the development of water and electric resources for the DHHL lands at Pu’u ‘Ōpae. The Kitano Layout could be utilized while DHHL’s water reservation could still be provided through the Kōke’e Ditch to Pu’u ‘Ōpae, provided the necessary improvements were made. The Closed-Loop Pumped Storage project briefly described on page 4-212 of the DEA could also provide much of the water and power development for the DHHL lands at Pu’u ‘Ōpae. I don’t know if the combination of the Kitano Layout with the Closed-Loop Pumped Storage was seriously considered as an alternative, but I hope the community was given the opportunity to weigh in on this, since it would result in significant positive impacts on Waimea River sedimentation and Mānā plain drainage issues compared to the proposed WKEP.

As I stated in my comments on the previous DEA a year ago, it seems an Environmental Impact Statement would be the more appropriate form of compliance review for the WKEP than an Environmental Assessment, given the scope, scale, and potential complicated impacts of this proposed project on the aquatic ecosystem of one of Hawaii’s largest rivers, coupled with the long timeframe associated with the

North Shore Hydrological Services

Matt Rosener, MS, PE, Principal

proposed new diversion scheme (65 years). I hope that you will consider this and the other comments and concerns raised here before allowing this project to move forward in its current proposed form.

Humbly submitted,



Matt Rosener, P.E.
Hydrologist/Water Resource Engineer
Hanalei, Kaua'i

Cc: **Kaua'i Island Utility Cooperative and AES West Kaua'i Energy Project, LLC**

Dawn Huff
4463 Pahee Street, Suite 1
Lihue, HI 96766
admin@joulegroup.com

SSFM International
Jared Chang
99 Aupuni Street, Suite 202
Hilo, HI 96720
jchang@ssfm.com



Comment No. 110

Admin Joule <admin@joulegroup.com>

Kauai Energy Project

haunani@aloha.net <haunani@aloha.net>

Mon, Oct 10, 2022 at 6:21 PM

To: lauren.eyasaka@hawaii.gov, jchang@ssfm.com, admin@joulegroup.com

Aloha,

Lauren Yasaka, DLNR Hawaii

Dawn Huff, KIUC/AES West Kauai Energy Project LLC

Jared Chung, SSPM

My name is Haunani Rossi, and I am a native Hawaiian that is NOT in favor of the following project(s) regarding KIUC (Kauai Island Utility Cooperative) plan to pull 23.5 million gallons of water daily out of the Kokee Watershed for a new hydro power plant, and a pump storage operation on the West side of Kauai Island.

Both projects would:

- * cost rate payers/an increase in our utility bill for these projects since we are a coop. KIUC (Kauai Island Utility Cooperative already has a debt of 256,000,000)

- * impact the Kokee watershed/natural streams, historic landscape and cultural resources of our island

- * water allocations would significantly impact our local farmers especially our taro farmers/water diversion.

- *65 year lease that KIUC (Kauai Island Utility Cooperative) is asking requires an EIS (Environmental Impact Statement) of this area of which constitutes a significant impact of this area.

I humbly ask that you decline this project.

Sincerely,

Haunani Rossi, Kauai Resident



Comment No. 111

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] REQUIRE AN EIS FOR WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:30 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: tiani kajiware <tianikajiwara@gmail.com>**Sent:** Monday, October 10, 2022 7:59 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] REQUIRE AN EIS FOR WKEP

aloha, as a lifetime resident of Waimea, and a descendant of generations of Waimea folk, i am writing to request accountability of the diversion of Waimea River with a full environmental impact statement for the WKEP being proposed by the KIUC. the second EA they published raises a lot more questions than answers about how this project will affect the health of Waimea River and the quality of life for Waimea residents. The only way forward is a complete EIS. In my lifetime alone (37) years, i have seen a decrease in the water levels of Waimea River and it is alarming... how much more water can our lifeline ber depleted?

mahalo nui, Tiani Ruiz



Comment No. 112

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Kiuc testimony

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:22 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

From: Heidi Schemp <hithereheidi@gmail.com>**Sent:** Sunday, October 9, 2022 11:37 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Kiuc testimony

I'm writing to encourage a full EIS to be done for the KIUC hydro power project. I think we should learn from our mistakes at grove farm and not divert water without a full EIS. I understand it takes longer and is more expensive but being tied up in court is 1000 times worse. So let's do the right thing in the beginning this time and make sure the diversion is not harmful to the streams, water ways and creatures living here.

Thank you,
Heidi Schemp
Kilauea, Hi

Comment No. 113



Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Sierra Club. Kaua'i Group Comments- EIS Required for West Kaua'i Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Tue, Oct 11, 2022 at 7:04 AM

From: Lauren Watanabe <lauren.watanabe@sierraclub.org>
Sent: Monday, October 10, 2022 5:37 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] Sierra Club. Kaua'i Group Comments- EIS Required for West Kaua'i Energy Project

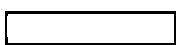
Aloha Ms. Yasaka,

Please see the attached document in consideration for an EIS, which we believe should be required of the West Kaua'i Energy Project proposed by Kaua'i Island Utility Cooperative.

Mahalo nui!

Stay resilient,

Lauren Ballesteros-Watanabe (she/her)
Organizer
| sierraclubhawaii.org



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WKEP EIS DEMAND-SCKG.pdf
204K



SIERRA CLUB

KAUA'I GROUP

Aloha Ms. Yasaka,

The Sierra Club, Kaua'i Group has a longstanding investment in protecting our natural and cultural resources, access to clean water systems, and the health and welfare of community residents. In addition to the West Kaua'i community and many other concerned local and neighbor island organizations, we offer these comments to urge the Department of Land and Natural Resources (DLNR) to pursue a full environmental impact statement (EIS) for the AES West Kaua'i Energy Project (WKEP) as proposed by Kaua'i Island Cooperative.

We believe that WKEP triggers a full EIS for the following reasons:

- **Disproportionate burdens on West Kaua'i residents may be significant and must be explored through a full EIS.**

The majority of electricity produced from the hydropower operation on the Waimea River will not be used in Waimea, or West Kaua'i. Most of the electricity will be used by ratepayers in places like Līhue, Kapa'a, and Princeville. This creates an imbalance, where communities are saddled with industrial land uses that undermine their well-being, but are not in control of how the project is operated or benefits distributed. An EIS would help assess the impacts of this project and minimum expectations for a robust community benefits package that respects the residents and environment of West Kaua'i.

- **Cultural and health impacts from water diversions must also be considered.**

11 million gallons of water to be diverted (and not returned) from Waimea River everyday, as measured over a year. This means taking 2 million gallons in the dry months and as much as 26 million gallons in the wet months. How will this impact farming practices dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices dependent upon natural ecosystems and processes tied to water? How could this impact public health, from the creation of mosquito breeding grounds to the social determinants of health connected to the health of and access to 'āina? An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

- **Impacts for industrial activities in the conservation district and on sensitive habitat must be accounted for.**



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The WKEP project will take place in the state conservation district, which contains lands identified as requiring the highest degree of protection. The use of tracked backhoes, cement mixers, and other heavy equipment to alter the diversions and build the new hydro-power facility could damage between 427 and 1,039 acres of protected and important habitat. The full scrutiny of an EIS, including proposed alternatives and mitigation measures, must be employed to identify and prevent unnecessary or unjustified harms.

- **Cumulative and potentially significant impacts over time must be explored.**

KIUC is hoping to secure a 65-year lease term to divert water for the WKEP. That is an absurd request given the high level of uncertainty we live in now; just as absurd is the contention that this would have no likely significant effect, especially over time. An EIS that can fully explore in detail the long-term potential impacts and alternatives to mitigate such impacts should be conducted

- **Impacts to adjacent streams and coastal must be considered.**

In the campaign to hold pesticide companies accountable for their pollution, we learned that the run-off from the Mānā Plain is very polluted with chemicals. KIUC is proposing to release water onto the Mānā Plain, with the potential to spread harmful pollution to adjacent areas, including streams and coastlines. Again, an EIS to explore the potential and likely significant impacts of stream and coastal contamination, as well as ways to mitigate or minimize such impacts, should be conducted

We believe that all of these, and potentially more, concerns could be adequately addressed through an EIS review of the project. Mahalo for the opportunity to offer comments in support of such an action by the DLNR.

Sincerely,
Kaua'i Group Executive Committee



Comment No. 114

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] SUBJECT: Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Jasmine Slovak <hello@jasmine-slovak.com>**Sent:** Thursday, October 6, 2022 11:07 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] SUBJECT: Public Comment: Require EIS for WKEP

Aloha mai kāua e Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of the Waimea River and the quality of life for Waimea residents.

--

Ē mālama pono,

Jasmine Slovak

hello@jasmine-slovak.com

www.jasmine-slovak.com

linkedin.com/jasmineslovak/

tw.com/jasmineslovak

c : (415) 216 6854

o : (808) 397 7068

Comment No. 115



Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:14 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: monkeycat3@aol.com <monkeycat3@aol.com>**Sent:** Friday, October 7, 2022 4:00 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

"Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

Mahalo for the opportunity,

Marti Smith

Sent from the all new AOL app for iOS



Comment No. 116

Admin Joule <admin@joulegroup.com>

I am concerned about this huge project that will cost ratepayers multiple millions

Eliei Starbright <eliei.starbright@gmail.com>

Thu, Oct 6, 2022 at 8:08 PM

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

I am concerned about this huge project that will cost ratepayers multiple millions while significantly impacting the Kokee watershed. What I know is that KIUC's current debt, a debt we all bear because we are a Coop, is \$256,000,000. Project prevents stream restoration agreed to in the mediated West Kauai Settlement Agreement after the end of sugar. Financial benefits of the project will not remain in Kaua'i (off island operator, AES).

Information disclosed in the DEA conflicts with what KIUC disclosed to the Public Utilities Commission (PUC). To the PUC KIUC reported payments to AES would be \$0.07-0.08/kWh but in the DEA KIUC reported payments of \$0.14-0.16/kWh to AES for power generated likely increasing the cost to ratepayers.

Project water allocations significantly impact food production and agriculture. Failure to Adequately Address the Significant Economic Impacts for the Proposed Project to ratepayers. No mention of the current Coop \$256,000,000 debt or how ratepayers will cover this debt and that which will be added by these projects.



Comment No. 117

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 11:15 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Susan Stayton <susan.stayton@gmail.com>**Sent:** Friday, October 7, 2022 11:15 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

As an ex-member of KIUC's Board of Directors, I feel it is imperative that KIUC take every step necessary to hear and address the concerns of its members.

Mahalo,
Susan

Susan Stayton

PO Box 1113

Lawai, HI 96765

808-651-9070



Comment No. 118

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised draft environmental assessment.

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 4:40 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Brett Stewart <earthworkspbs@mac.com>

Sent: Monday, October 10, 2022 4:40 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] WKEP revised draft environmental assessment.

I believe the revised DEA is comprehensive and the FONSI is well supported, I also feel WKEP is a beneficial project for the island and I would like to see it move forward and hopefully more projects like it if possible.

Thank you!
Brett

Brett Stewart
Island Earthworks
360-317-5618
earthworkspbs@mac.com



Comment No. 119

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public comments EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:25 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Kaleiheana-A-Pohaku Stormcrow <kstormcr@hawaii.edu>**Sent:** Sunday, October 9, 2022 6:30 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public comments EIS required for WKEP

Aloha e Ms. Yasaka,

I am writing to implore you to require a full environmental impact statement for KIUC's new West Kaua'i Energy Project. Despite having already conducted 2 environmental assessments, the full impact of diverting 11 million gallons of water per day from Waimea river remains unclear. River quality, environmental quality, and ocean health downstream are all potentially negatively impacted by this project, not to mention the potential impacts to residents. On top of the improper use and abuse of water across the islands, Hawai'i is the endangered species capital and extinction capital of the world. A full EIS report should be necessary for every project in the islands to mitigate potential negative impacts to endangered species who may call the area home, as well as long-term community impacts of this projects. Please consider requiring a full EIS for this, and all projects in the future. Additionally, conducting EIS reports creates jobs for local botanists, biologists, and archaeologists as well as everyone else who would need to be involved to determine the full impacts of this project. Wins all around. Mahalo for your time and consideration.

ke aloha,
Kaleiheana

--

Kaleiheana-a-Pōhaku Stormcrow*Graduate Assistant/Avian Wildlife Tech, Price Lab**Department of Natural Resources and Environmental Management**University of Hawai'i Mānoa**pronouns: they/them*



Comment No. 120

Dawn Huff <dhuff@joulegroup.com>

Fwd: SUPPORTING REVISED DEA FOR WEST KAUAI ENERGY PROJECT & Findings of no significant impacts

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: SMNS <smnstyan@gmail.com>**Sent:** Sunday, October 9, 2022 5:42 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] SUPPORTING REVISED DEA FOR WEST KAUAI ENERGY PROJECT & Findings of no significant impacts

Aloha,

My name is Sarah Styan and I have been a resident in West Kauai since 2002.

I strongly support the revised Draft Environmental Assessment, DEA and the Findings of No Significant Impact, FONSI, related to the West Kauai Energy Project proposed by Kauai Island Utility Cooperative, KIUC. I believe that the DEA has a very comprehensive analysis and that the FONSI is well supported through this careful and complete compilation of the report which has multiple bound books. I also appreciate that the Waimea Public Library (and all of the libraries) had copies of the report and that it was very accessible to me and the community.

I also strongly support the West Kauai Energy Project, which is an innovative renewable energy project that will not only boost our renewable energy production when the sun is not shining, but will also revive old irrigation systems and infrastructure that will also support agricultural production in West Kauai.

Please feel free to contact me if you have any questions or I can provide any additional information. I am a very proud KIUC cooperative member and appreciate all that KIUC does for our community as well as leading the way in renewable production for Kauai and even on a national level.

Mahalo for this opportunity,

Sarah Styan
5209 Kaunaloa Street
Hanapepe, HI. 96716
808-645-6017
smnstyan@gmail.com



Comment No. 121

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:18 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: David Sutton <malamaourworld@gmail.com>

Sent: Friday, October 7, 2022 9:19 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] West Kauai Energy Project

Please study this for all impacts to land and water.

We need responsible stewardship.

You can be an example in your leadership.

Mahalo!

David Sutton
Kilauea, HI 96754



Comment No. 122

Dawn Huff <dhuff@joulegroup.com>

West Kauai Energy Project DEA comment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 12:39 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Jan TenBruggencate <jan@islandstrategy.com>**Sent:** Friday, October 7, 2022 12:39 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] West Kauai Energy Project DEA comment

Aloha and thanks for this opportunity.

I support the West Kauai Energy Project and believe that the DEA accurately reflects the project. It is a comprehensive and accurate review.

I believe the finding of no significant impacts (FONSI) is warranted and well supported by the DEA's extensive documentation.

Mahalo,

Jan TenBruggencate

--

Jan TenBruggencate

Island Strategy LLC

jan@islandstrategy.com

cell: 808-639-9900

land: 808-245-7825



Comment No. 123

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:04 AM

From: James Thesken <jamesthesken@gmail.com>
Sent: Wednesday, October 5, 2022 7:39 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha e Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how the project will affect the health of Waimea River and the quality of life for Waimea residents.

Mahalo,

James Thesken,

Kauai resident



Comment No. 124

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS for Kaua'i West Energy project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 4:11 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Rosana Thompson <rosana.thompson@gmail.com>**Sent:** Monday, October 10, 2022 4:11 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] EIS for Kaua'i West Energy project

Aloha Ms. Yasaka,

Our family has frequently visited Kaua'i and own property on the island in Princeville and we are concerned about this project and it's environmental impact as well as consequences to the West Kaua'i people. I ask that an EIS be required.

During our last visit we had the joy of celebrating an Auntie's 60th birthday at Salt Pond Beach. The west side community is tight, traditional and beautiful. There are many who also suffer from poverty, health issues, and hardships on the island.

This new hydropower plant diverting Waimea River water has the potential to heavily impact the island's water quality, fisheries, and flora and fauna. These are the treasures of the garden isle - not just birds, trees and flowers, but also the native people. It's why we love the island and return over and over again.

Please consider your position regarding this project and demand an Environmental Impact Statement.

Mahalo,

Rosana Thompson

Hanalei Bay Resort Owner and friend of Kaua'i and Niihau people



Comment No. 125

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:06 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Tom Tizard <tizard8@hawaii.rr.com>**Sent:** Thursday, October 6, 2022 12:05 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

SUBJECT: Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Thomas Tizard

Kailua



Comment No. 126

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] Public Comment: EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:17 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Alicia Valiente <alicialuciavaliente@gmail.com>**Sent:** Friday, October 7, 2022 6:02 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: EIS Required for WKEP

Aloha Ms. Yasaka,

First of all, thank you for all that you do.

I am currently not on island, but it has come to my attention that voices are needed to express concern over the plan to divert water from the West side, which would negatively impact farmers. As a mom, I think about the keiki, and what future they will have with irresponsible, unregulated water diversions. Please hear us.

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

For example, millions of gallons of water will be diverted every day with this project. How will this impact farming practices and estuaries dependent upon cool, fresh flowing water? How will this impact cultural and subsistence resources and practices associated with natural ecosystems and processes tied to water? How could this impact public health, from the potential creation of mosquito breeding grounds during low-flow periods to the various social determinants of health connected to the health of and access to 'āina?

What are the full impacts of the proposed industrial activities, including the use of tracked backhoes, cement mixers, and other heavy equipment in the conservation district? What can be done to avoid or minimize the potential impacts to between 427 and 1,039 acres of protected habitat?

What are the ways that surrounding communities may be disproportionately impacted by the above, and how can any particular and unique burdens be mitigated or avoided?

An EIS will ensure that these questions and potential impacts are more fully considered and accounted for.

Mahalo for the opportunity,
Alicia V



Comment No. 127

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS for west kauai diversions

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Mon, Oct 10, 2022 at 9:26 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Mehana Vaughan <mehana@hawaii.edu>**Sent:** Sunday, October 9, 2022 10:08 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** Fwd: [EXTERNAL] EIS for west kauai diversions

Begin forwarded message:

From: Mehana Vaughan <mehana@hawaii.edu>**Date:** October 9, 2022 at 9:16:34 PM HST**To:** Lauren.E.Yaska@hawaii.gov**Subject:** [EXTERNAL] EIS for west kauai diversions

Aloha mai Kakou,

I am writing to request a full EIS for the west Kauai energy project. The impacts of this project, not only on streams and water quality and quantity but also on native forest, the watershed and native river life are all connected. There has been no comprehensive study of potential impacts and needed modifications of this project. An EIS falls within legal requirements for a project of this scope and none of the environmental assessments have been sufficient to identify and address potential impacts. Further, existing legal agreements including the mediated settlement conditions restoring flow to Waimea river have not yet been met. No further or continuing diversions should be allowed until past and present diverters have fulfilled their legal obligations to the ecosystem and community, and until a comprehensive EIS is done. Mahalo a nui loa. Mehana Vaughan



Comment No. 128

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 9:37 AM

-----Original Message-----

From: JanasArt <janasart@hawaii.rr.com>
Sent: Friday, October 7, 2022 9:37 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS

Aloha,

I am writing you today to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Jana Viles
Sent from my iPhone



Comment No. 129

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 8:06 AM

From: Vanessa Visitacion <vv9@hawaii.edu>
Sent: Wednesday, October 5, 2022 7:27 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kauai Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

--

Vanessa Visitacion, she/her/hers Student Worker

Hale Mālama Care Center | Kauai Community College - UH 3-1901 Kaumualii Hwy, Lihue, HI 96766 - LRC
120/121/105 E: vv9@hawaii.edu | O: 808-245-8346 <https://www.kauai.hawaii.edu/hale-malama>



Comment No. 130

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Wed, Oct 5, 2022 at 12:00 PM

From: Teagan Waialeale <teaganwaialeale@gmail.com>
Sent: Wednesday, October 5, 2022 12:00 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS required for WKEP

Aloha Ms. Yasaka,

I hope you are doing great.

I'm writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by Kaua'i Island Utility Co-operative.

The second environmental assessment they published raises more questions and concerns than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea Residents, which me and my family are a part of.

Mahalo for your time and consideration.

Teagan Waialeale



Comment No. 131

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Please require an EIS for the West Kauai Energy Project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Tue, Oct 11, 2022 at 7:05 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Maria Walker <maria.makaleha@gmail.com>**Sent:** Monday, October 10, 2022 8:41 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Please require an EIS for the West Kauai Energy Project

Aloha, Ms. Yasaka,

I am submitting this testimony to urge you to please require an EIS before the WKEP can proceed.

An EA is insufficient for a project of this magnitude, and it is critically important that all potential environmental impacts from the project are carefully examined and solutions or mitigations considered. This project also could have great impact on the residents and towns in the surrounding area. An EIS will not only address all these important issues, but most of the approvals required for this project require an EIS, so please support the law in this case and demand an EIS before WKEP can proceed. This is potentially a wonderful project for Kaua'i's energy portfolio, but only if all potential impacts are addressed and planned for.

Mahalo for hearing my testimony,

Maria Walker

[1728 Hulu Rd.](#)[Kapa'a, HI 96746](#)



Comment No. 132

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS Required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Wed, Oct 5, 2022 at 2:26 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Zoli Wall <kaohinani.gardens@gmail.com>**Sent:** Wednesday, October 5, 2022 2:26 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] EIS Required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the west Kaua'i energy project being proposed by KIUC. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River and the quality of life of Waimea residents.

Mahalo,

Zoli Wall



WE-12319A



Comment No. 133

Admin Joule <admin@joulegroup.com>

KIUC and Kauai WATER

Elli Ward <elaloha@gmail.com>

Mon, Oct 10, 2022 at 6:04 AM

To: "admin@joulegroup.com" <admin@joulegroup.com>, "jchang@ssfm.com" <jchang@ssfm.com>, "lauren.e.yasaka@hawaii.gov" <lauren.e.yasaka@hawaii.gov>

Good morning. I am a Kauai resident writing to you about my concerns regarding KIUC's plans to build two new hydro plants and seeking 65-year lease to divert millions Of gallons of water from West Kauai.

The significant impact to the West Kauai environment and community to produce power benefiting elsewhere is concerning. In addition, the financial benefits of the projects go to off-island operator (AES) and not to Kauai ratepayers.

Please demand that KIUC provide an E I S that will analyze the project and provide decision makers answers/solutions re how to protect Kauai's waters, Agriculture, and communities.

KIUC is a coop with a staggering debt of \$256 millions! How will we, the coop members, pay this debt and the potential additional amount from any future large expensive projects?

The need for an E I S before any decision is made has to be required.

Thank you.

Elli Ward
Kilauea



Comment No. 134

Admin Joule <admin@joulegroup.com>

Form submission from: Revised Draft EA Comments

WKEP Outreach via WKEP Outreach <noreply@konveio.email>

Mon, Sep 12, 2022 at 10:57 AM

Reply-To: WKEP Outreach <noreply@konveio.email>

To: admin@joulegroup.com

Submitted on Monday, September 12, 2022 - 10:57am

Submitted by anonymous user: 24.165.62.52

Submitted values are:

First Name: Valerie

Last Name: Weiss

Email: valerieweiss31@gmail.com

Comments: I found the Revised Environmental Assessment to be thorough and interesting. A job well done in other words. After spending a good deal of time considering everything it provided, I am completely in support of this project. KIUC remains in the forefront of renewable energy and this project will continue that.

The results of this submission may be viewed at:

<https://westkauaienergyproject.com/node/27/submission/78>



Comment No. 135

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public Comment: Require EIS for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 9:01 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: danielle west <danielle@daniellewestconsulting.com>**Sent:** Friday, October 7, 2022 7:30 AM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Public Comment: Require EIS for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

danni

--

danni marilyn west

Philanthropic Advisor

Pronouns: she/her/they/them

daniellewestconsulting.com



Comment No. 136

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Kauai Westside hydro project

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:06 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Judith's Email <jcwhite54@gmail.com>**Sent:** Thursday, October 6, 2022 12:05 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Kauai Westside hydro project

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

Mahalo,

Judith C White

Kapaa

Sent from my iPad



Comment No. 137

Admin Joule <admin@joulegroup.com>

Kauai Energy Project

Sequoia <energysavant@yahoo.com>

Mon, Oct 10, 2022 at 11:41 AM

Reply-To: energysavant@yahoo.com

To: lauren.e.yasaka@hawaii.gov, admin@joulegroup.com, jchang@ssfm.com

Attention:

Lauren Yasaka, DLNR

Dawn Huff, KIUC

Jared Chang, SSFM

Aloha,

I am a huge fan of pumped hydro, done intelligently and in an environmentally mindful manner, with full recognition of both the short-term and long-term environmental impacts such large projects as these can potentially incur.

Clearly, an EIS is necessary in order to recognize, analyze and minimize potential negative impacts. We must recognize that renewable energy projects, as environmentally-friendly energy options, absolutely must take a big picture perspective and be carried out in a truly environmentally sensitive manner. Without an EIS, this cannot be possible for these projects.

Thank you for your commitment toward a healthy future.

Sincerely,

Susan Wiener

Kalaheo HI



Comment No. 138

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] EIS Survey Waimea

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Sun, Oct 9, 2022 at 5:24 PM

From: Megan Talley <megan.n.talley@gmail.com>
Sent: Saturday, October 8, 2022 7:27 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS Survey Waimea

Aloha and good morning Lauren,

I am a resident of West Kaua'i, and I want to see a full and complete EIS for the proposed West Kaua'i energy project. The second assessment gives pause for concern and I want to see more solutions. I would like to better understand how the health Waimea River will be affected and the implications on the quality of life for Waimea residents.

Thank you,

Megan Talley Womble



Comment No. 139

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] West Kauai Energy Project EIS

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 12:23 PM

To: Jared Chang <jchang@ssfm.com>Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Mary Wright <mrwbigsur@gmail.com>

Sent: Friday, October 7, 2022 12:22 PM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] West Kauai Energy Project EIS

Dear Ms. Yasaka,

I am writing to urge the requirement of an EIS to determine the environmental impacts of the proposed West Kauai Energy Project. While I am supportive of the goals of the KUIC and its impressive progress towards sustainable energy for Kauai, I am equally concerned that the resources of our island be protected and that decision makers require proposals to evaluate environmental impacts.

Thank you for your consideration.

Mary Wright

Koloa



Comment No. 140

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Public comment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:10 AM

From: Bean Y. <peculiarname@gmail.com>
Sent: Friday, October 7, 2022 6:29 AM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] Public comment

Good morning, Ms. Yasaka,

I am writing to request a full EIS for the West Kaua'i Energy Project, as it is currently being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents. Environmental justice is possible when we take these considerations into account and act on them BEFORE causing devastating, ecosystem-level harms.

Mahalo,

Bean Yogi



Comment No. 141

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Environmental impact statement requested

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Fri, Oct 7, 2022 at 7:08 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Gonzalo Marginet <gonzalomarginet@mac.com>**Sent:** Thursday, October 6, 2022 5:20 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] Environmental impact statement requested

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment they published raises more questions than answers about how this project will affect the health of Waimea River, and the quality of life for Waimea residents.

I'm very aware that we need to do something for the residents of Waimea, but we are all stewards of the aina and must be extra cautious to protect it.

Mahalo nui, with aloha always

Gonzalo Marginet

808.757.5153



Comment No. 142

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] EIS required for WKEP

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
To: Jared Chang <jchang@ssfm.com>
Cc: Dawn Huff <dhuff@joulegroup.com>

Fri, Oct 7, 2022 at 7:08 AM

From: Kumiko Yoshihara <kumikojean@gmail.com>
Sent: Thursday, October 6, 2022 5:48 PM
To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>
Subject: [EXTERNAL] EIS required for WKEP

Aloha Ms. Yasaka,

I am writing to request a full environmental impact statement for the West Kaua'i Energy Project being proposed by the Kaua'i Island Utility Cooperative. The second environmental assessment raises more questions than answer about how this will effect the health of Waimea River and the quality of life for Waimea's residents. The Waimea River is already under MASSIVE constraints, it seems literally impossible to add anything more.

Mahalo,
Kumiko Yoshihara

P.S. Perhaps, a visit to the river mouth of Waimea River would give you a better visual.



Comment No. 143

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP Revised Draft Environmental Assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Chip Young <cwylly@gmail.com>**Sent:** Saturday, October 8, 2022 7:04 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP Revised Draft Environmental Assessment

I am in support of the West Kauai Energy Project and believe it's a beneficial project for the community and will not negatively impact the land. I reviewed the revised Draft EA and believe it's comprehensive. Please add my comments as support for permitting this project to move forward.

Thank you. -CY



Comment No. 144

Dawn Huff <dhuff@joulegroup.com>

FW: [EXTERNAL] Environmental statement

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Wed, Oct 5, 2022 at 10:13 AM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

-----Original Message-----

From: Bridget Zuidgeest <bzuidgeest@email.davenport.edu>

Sent: Wednesday, October 5, 2022 10:13 AM

To: Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Subject: [EXTERNAL] Environmental statement

Aloha ms. Yasaka

I am requesting a full environmental impact study and statement for west kauai energy being proposed by the kauai island utility cooperative. The second assessment brings a lot of a questions of how it will affect the health of the Waimea river, and the quality of life for all of Waimea's residents and everything living surviving together with the aina.

Mahalo

Bridget

Sent from my iPhone



Comment No. 145

Dawn Huff <dhuff@joulegroup.com>

Fw: [EXTERNAL] WKEP revised draft environmental assessment

Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>

Sun, Oct 9, 2022 at 5:21 PM

To: Jared Chang <jchang@ssfm.com>

Cc: Dawn Huff <dhuff@joulegroup.com>

From: Brad Seymour <brad@seymourresourceshawaii.com>**Sent:** Saturday, October 8, 2022 12:11 PM**To:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>**Subject:** [EXTERNAL] WKEP revised draft environmental assessment

I believe that the revised DEA is a comprehensive analysis and the FONSI is well supported. I also feel that the WKEP is a beneficial project for the community and I would like to see it move forward. --

Thank you,

Brad Seymour

President

**SR HAWAII**

Sustainable Water Management

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